

RESOLUTION NO. R- 87-502

RESOLUTION APPROVING ZONING PETITION 84-68(C), Special Exception

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 84-68(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 1, 1986 and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. With required site plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 31ST day of March, 1987, that: Petition No. 84-68(C), the petition of DIVERSIFIED CENTERS INC., By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 84-68 TO INCREASE THE BUILDING SQUARE FOOTAGE AND REDESIGN THE SITE on a

parcel of land in Section 36, Township 43 South, Range 41 East, said parcel of land being specifically described as follows: Tract 6; Block 9, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, page 46, Together with the East 1/2 of Tract 7, Block 9, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, page 46, LESS the West 200 feet of the South 425 feet thereof; And LESS and excepting, however, the following described parcels:

Parcel 1: The South 100 feet of the West 150 feet of said Tract 6.

Parcel 2: The East 200 feet of the South 200 feet of said Tract 6; more particularly described as follows: Beginning at a point where the North Right-of-way line of State Road No. 80 intersects the West Right-of-way line of State Road No. 7 (U.S. Highway No.

441) and running West along the North Right-of-way line of State Road No. 80, a distance of 200 feet to a pipe; thence North, parallel to West Right-of-way line of State Road No. 7 (U.S. Highway No. 441), a distance of 200 feet to a pipe; thence East, parallel to the North Right-of-way line of State Road No. 80, a distance of 200 feet to a pipe in the West Right-of-way line of State Road No. 7 (U.S. Highway No. 441); thence, South along the West Right-of-way line of State Road No. 7 (U.S. Highway No. 441) a distance of 200 feet to Point of Beginning, LESS that portion of the Southeast corner of hereinabove described premises formed by a 100-foot radius having Points of Tangency 95.2 feet from said Right-of-way intersection. Parcel 3: Commencing at the Southwest

corner of said Tract 6; thence Easterly, along the South line of said Tract 6, a distance of 150 feet to the Point of Beginning; thence, continue along said South line, a distance of 141.35 feet; thence Northerly,.-along a line parallel to the West Right-of-way line of State Road No. 7, a distance of 400.47 feet; thence Westerly, parallel with the South line of said Tract 6, a distance of 158.02 feet; thence Southerly, parallel with the West line of said Tract 6, a distance of 400 feet to the Point of Beginning.

Parcel 4: The East 200 feet of the West 400 feet of the South 425

feet of the East 1/2 of Tract 7, Block 9, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, page 46. Said property located on the west side of U.S. 441 (S.R. 7), approximately 150 feet north of S.R. 80 in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless modified herein.
2. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a. The required twenty-five (25) foot landscape strip between the ultimate dedicated right-of-way of Southern Boulevard and the vehicular use area.
 - b. The required number of loading spaces clearly labelled and distributed appropriately.
 - c. The required additional landscape islands within the parking area.
 - d. All mechanical and air conditioning equipment shall be roof mounted and screened with parapet or be contained within the enclosed loading and service area.
 - e. The rear facade(s) of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon future residential development.
 - f. No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 A.M.
 - g. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.
 - h. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.
 - i. Security lighting shall be low intensity in nature and directed away from nearby residences.
3. Prior to site plan certification the petitioner shall redesign the building location, traffic circulation, parking configuration and pedestrian access within the southwestern portion of the site adjacent to the State Road 80 access point.
4. Prior to site plan certification, petitioner shall obtain a surface water management permit or other appropriate drainage approval from South Florida Water Management District with a copy of all documents and plans given to the Palm Beach County Engineering Department.
5. There shall be a minimum of 30,000 square feet of the proposed project to be used as general office with a maximum of 223,229 square feet to be used as retail.

6. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:
- A) No building permits shall be issued until construction contracts have been let for:
 - a) the construction of the intersection improvements at S.R. 7 and S.R. 80 and
 - b) the construction of S.R. 80 from S.R. 7 to Jog Road and
 - c) the construction of S.R. 80 from Forest Hill Boulevard to S.R. 7 .
 - B) The developer shall be restricted to no more than 170,432 square feet until contracts have been let for the construction of Okeechobee Boulevard as a 4 lane median divided section from S.R. 7 to Golden Lakes Boulevard.
 - C) The developer shall be restricted to no more than 170,432 square feet until S.R. 7 contracts for construction have been let as a 4 lane median divided section from Southern Boulevard to Belvedere Road.
7. The property owner shall provide construction plans for S.R. 7 as a 4 lane median divided roadway (expandable to ultimate 6 or 8 lanes as determined by the County Engineer and Florida Department of Transportation from the southern terminus of the 4 lane construction by Petition No. 85-131 to the northern limits of the construction by the Florida Department of Transportation at S.R. 80) plus any appropriate tapers. As an alternate and as determined by the County Engineer, the plans shall be extended northward through the Belvedere Road intersection. These construction plans shall be in accordance with Palm Beach County Engineering and the Florida Department of Transportation approval based upon minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed within 6 months of Special Exception approval or prior to the issuance of a building permit whichever shall first occur. Plan costs shall be approved by the County Engineer.
8. The property owner shall let the contract for construction of S.R. 7 as a 4 lane median divided section in accordance with the above condition. This construction shall be commenced concurrently with the construction of the intersection improvements at S.R.7 and S.R. 80 or with site development, whichever shall first occur.
9. The developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$328,124.00 (12,248trips X 526.79 per trip).

Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional \$471,876.00 toward Palm Beach County's existing Roadway Improvement Program. Any remaining funds (from the total \$800,000.00) after receiving credit for the construction of S.R. 7 as outlined in the condition above shall be deposited with Palm Beach County within 24 months of Special Exception approval.

10. If, in the future with construction of an urban interchange at the intersection of U.S. 441 and Southern Boulevard, any entrances to the project shall be relocated or lost, the cost of relocation or loss shall be assumed entirely by the petitioner and shall not be compensatable items in condemnation action by Palm Beach County.

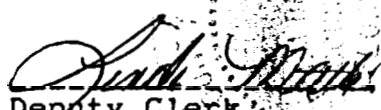
Commissioner Adams, moved for approval of the petition. The motion was seconded by Commissioner Wilken, and upon being put to a vote, the vote was as follows:

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| Karen T. Marcus | -- | AYE |
| Jerry L. Owens | -- | AYE |
| Carol Roberts | -- | AYE |
| Dorothy Wilken | -- | AYE |
| Kenneth M. Adams | -- | AYE |

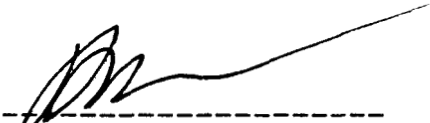
The foregoing resolution was declared duly passed and adopted this 31ST day of March, 1987 confirming action of December 1, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



County Attorney

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