

RESOLUTION APPROVING ZONING PETITION ~~86-150~~/ 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. 86-150 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 5, 1987; 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, that Petition No. 86-150, the petition of OCERN PROPERTIES, LTD., by Alan J. Ciklin, Esquire, for a SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA AND A HOTEL being a portion of Tracts 67, 68, 69, 70, 71, 72, 73, 74, 75 and 76 of Block 76 of Palm Beach Farms, Plat No. 3, in Section 17, Township 47 South, Range 42 East, as recorded in Plat Book 2, Page 53, being more fully described as follows: Commence at the point of intersection of the Southerly Right-of-way line of Boca Raton West Road (S.R. 808) and the Westerly Right-of-way line of

the Florida State Turnpike; thence run due West with an assumed bearing, along said Southerly line 60.00 feet to a point of intersection with the Westerly Right-of-way line of Shell Pit Road; thence South 00 degrees 43'00" East, along said Westerly line 235.00 feet to the Point of Beginning of the herein described parcel; thence continue South 00 degrees 43'00" East, along said Westerly line 840.09 feet to a point; thence due West 350.00 feet to a point; thence due North 100.00 feet to a point; thence due West 98.10 feet to a point of intersection with a curve concave to the Southwesterly having a radius of 65.00 feet; thence from a tangent bearing North 43 degrees 48'47" West, run Northwesterly along said curve 26.74 feet through a central angle of 23 degrees 34'01" to a point; thence due North 65.00 feet to a point; thence due West 185.00 feet to the beginning of a curve concave to the Southeasterly, having a radius of 145.00 feet; thence run Southwesterly along said curve 213.82 feet, through a central angle of 64 degrees 29'28" to a point of compound of curve; thence with a curve concave to the Northeasterly, having a radius of 20.00 feet, run along said curve 33.34 feet to the end of said curve; thence due East 59.42 feet; thence due South 47.00 feet to a point; thence due West 2.29 feet to the beginning of a curve, concave to the Northeasterly, having a radius of 200.00 feet; thence run Northwesterly along said curve, 314.16 feet to a point of reverse curve; thence with a curve concave to the Southwesterly, having a radius of 420.00 feet, run along said curve, 52.20 feet to a point; thence North 62 degrees 54'42" East, radial to the previous curve, 53.19 feet to a point; thence North 64 degrees 30'43" East, 95.00 feet to a point; thence North 25 degrees 29'17" West, 40.00 feet to a point; thence North 0 degrees 43'00" West 106.72 feet to a point; thence South 69 degrees 17'00" North, 77.92 feet to a point; thence North 30 degrees 10'50" North 22.00 feet to a point; thence South 59 degrees 49'10" West, 98.00 feet to a point of intersection with a curve concave to the Southwesterly, having a radius of 420.00 feet; thence from a tangent bearing of North 30 degrees 10'50" West, run Northwesterly along said curve 433.48 feet to a point;

thence due North, 442.01 feet to a point of intersection with the existing Southerly Right-of-way line of Boca Raton West Road, said point being **53.00** feet South of the existing centerline of said road; thence run along said Right-of-way line the following seven courses and, distances; due East. **415.00** feet, due North 13.00 feet, due East 330.00 feet, due South 13.00 feet, due East 320.00 feet; due North **13.00** feet; due East **48.84** feet to a point; thence South 00 degrees 43'00" East, 235.00 feet to a point; thence due East 200.00 feet to a point of intersection with the Westerly Right-of-Way line of Shell Pit Road and also the Point of Beginning, Said property located on the south side of Glades Road (S.R. 808), bounded on the east by Lake Worth Drainage District Canal E-2 West, approximately 150 feet west of Florida's Turnpike (Sunshine State Parkway) in an Cd-General Commercial Zoning District was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a) the correct loading space requirement in the site data tabular,
 - b) the elimination and relocation of the two (2) handicap parking stalls immediately west of the four (4) story hotel.
 - c) the required number of handicap spaces.
 - d) relocation of the southeastern most parking stall out of the 25 foot landscape buffer and 20 foot required backup distance maneuvering area along the eastern property line.
 - e) a 25 foot landscape buffer along the western property line on **West** Lake Boulevard.
2. Prior to site plan approval, petitioner shall record a Unity of Title Agreement covering the entire site.
3. The rear facade(s) of the shopping center shall be given architectural treatment compatible with the front of the center. The design will avoid an incompatible industrial appearance.
4. All mechanical and air conditioning equipment shall be roof mounted and architecturally screened or **be** contained within the enclosed loading and service area.
5. No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 A.M.
6. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.

7. No parking of any vehicle shall be permitted along the rear **of** the shopping center except **in** designated spaces or unloading areas.
8. Security lighting shall be low intensity in nature and directed away from nearby residences.
9. The developer shall retain **the** stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer this matter will be reviewed by the Code Enforcement Board for enforcement.
10. The property owner shall convey for the ultimate right-of-way for:
 - a) Glades Road, 80 feet from centerline
 - b) Boca Rio Road, 80 feet west of the existing east right of way line of Boca Rio Road
 - c) the construction of a right turn lane, west approach on Glades Road at the project's main entrance roadall within ninety (90) days of the approval of **the** Resolution approving this project.
11. Concurrent with onsite paving and drainage improvements, or concurrent with the widening of Glades Road under the Florida Turnpike, whichever shall first occur, the property owner shall construct:
 - a) a right turn lane, west approach on Glades Road at the project's main entrance road
 - b) Boca Rio Road as a 5 lane undivided section from Glades Road to the project's middle entrance plus the appropriate tapers and any turn lanes. Plans for this section of road shall be submitted to the office of the County Engineer prior to the letting of the contract for the Glades Road underpass.
 - c) dual left turn lane on Boca Rio Road at Glades Road. This petitioner shall be responsible for all plans and change orders associated with this road project.
12. The property owner shall provide to **Palm** Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of boca Rio Road along **the** property frontage along Boca Rio Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff.
13. The property owner 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 \$235,576.00 (9,540 trips X \$26.73 per trip).

14. Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional \$127,785.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$386,364.00 to be paid prior to the issuance of the first building permit or prior to January 1, 1987 whichever shall first occur. Credit shall be given for two (2) of the proposed five (5) lanes of Boca Rio Road and outlined in Condition No. 11b.
15. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$127,788.00 shall be credited toward the increased Fair Share Fee.
16. In order to comply with the mandatory traffic performance standards, the property owner shall be issued no building permits until:
 - a) Palmetto Park Road is open to traffic from SR 7 to Powerline Road (including the Turnpike overpass).
 - b) Twelve (12) months after the construction has begun for the Glades Road/Turnpike interchange Conditions No. 16 a) and 16 b) shall also be deed restricted prior to site plan certification. Once the roads are constructed in accordance with Conditions 16 a) and 16 b), a document evidencing satisfaction of the conditions may be executed by the Executive Director of the Palm Beach County Planning, Zoning, and Building Department and may be recorded.
17. The property owner shall install signalization if warranted as determined by the County Engineer at:
 - a) project's entrance and Boca Rio Road
 - b) project's entrance and Glades Road.Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
18. If valet or other limited access parking is to be provided for the hotel, it shall be restricted to the parking spaces in excess of the minimum required by Section 500.17 of the Zoning Code.
13. The property owner shall construct an eight (8) foot bike path along Boca Rio Road as outlined in Condition Nos. 11 and 12 above.
20. No exterior neon billboard/style signage shall be permitted on the site.
21. No drive-in fast food restaurants shall be permitted on site.

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

Carol A. Roberts	--	Absent
Jerry L. Owens	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Nay
Kenneth M. Adams	--	Aye

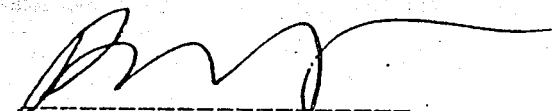
The foregoing resolution was declared duly passed and adopted this 23rd day of June, 1387 confirming action of January 5, 1987.

FRLM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jana M. Coddling
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney