

RESOLUTION NO. R-89- 741

RESOLUTION APPROVING ZONING PETITION NO. 75-69(C)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF ANTHONY V. PUGLEISE, III

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. 75-69(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 28, 1988; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

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

1. This proposal is consistent with the requirements of the Comprehensive and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 75-69(C), the petition of ANTHONY V. PUGLEISE, III, by Richard Basehart, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS lying on parcels of land as follows:

Parcel 1

A parcel of land in the Northwest 1/4 of Section 9, Township 45 South, Range 43 East, described as follows:

Commence at the Northeast corner of said Northwest 1/4 of Section 9; thence North 88 degrees 53' 16" West along the North line of Northwest 1/4 being also the center line of Hypoluxo Road, a distance of 40.01 feet to the intersection with the Northerly extension of the Westerly Right-of-way line of Seacrest

Boulevard: thence South 02 degrees 29' 14" West, along said West Right-of-way line, a distance of 190.02 feet; thence continue South, 02 degrees 29' 14" West, along said West Right-of-way line, a distance of 986.53 feet to the Point of Beginning; thence North 87 degrees 30' 46", a distance of 868.06 feet to the intersection with the Easterly Right-of-way line of Interstate Highway No. 95 (I-95); thence; South 36 degrees 02' 54" West along said Easterly Right-of-way line, a distance of 51.99 feet to the Northwest corner of the plat of Plat A of Palm Beach Memorial Park according to the plat thereof recorded in Plat Book 25, Page 226; thence South 01 degree 01' 59" West along the West line of said Plat A of Palm Beach Memorial Park, a distance of 180.00 feet; thence South 88 degrees 55' 16" East, a distance of 344.35 feet; thence North 03 degrees 27' 44" East, a distance of 160.14 feet; thence South 88 degrees 55' 16" East, a distance of 545.43 feet to the intersection with the said Westerly Right-of-Way line of Seacrest Boulevard; thence, North 02 degrees 29' 14" East, a distance of 41.28 feet to the said Point of Beginning together with:

Parcel 2

A parcel of land in the Northwest 1/4 of Section 9, Township 45 South, Range 43 East, more particularly described as follows:

Beginning at the Northeast corner of said Northwest 1/4 of Section 9, bear North 88 degrees 53' 16" West, along the North line of said Northwest 1/4 being also the center line of Hypoluxo Road, a distance of 40.01 feet to the intersection thereof with the Northerly extension of the Westerly Right-of-way line of Seacrest Boulevard: thence South 02 degrees 29' 14" West along said West Right-of-way line, a distance of 190.02 feet to the Point of Beginning of the herein described parcel; thence continue South 02 degrees 29' 14" West along said West Right-of-Way line, a distance of 986.53 feet; thence North 87 degrees 30' 46" West, a distance of 868.06 feet to the intersection thereof with the Easterly Right-of-way line of Interstate Highway No. 95 (I-95); thence North 36 degrees 02' 54" East, along said Easterly Right-of-way line, a distance of 91.17 feet: thence North 10 degrees 38' 03" East, along said Easterly Right-of-way line, a distance of 587.24 feet: thence, North 07 degrees 25' 24" East along said Easterly Right-of-way line, a distance of 305.20 feet; thence North 61 degrees 09' 47" East, along said Right-of-way line, a distance of 116.44 feet: thence North 78 degrees 28' 40" East along said Easterly Right-of-way line, a distance of 265.19 feet; thence North 51 degrees 28' 34" East along said Easterly Right-of-way line, a distance of 45.45 feet to the intersection thereof with the Southerly Right-of-way line of Hypoluxo Road; thence South 88 degrees 53' 16" East along said Southerly Right-of-Way line, a distance of 167.20 feet to a point, said point lying 150.00 feet Westerly of said Westerly Right-of-way line of Seacrest Boulevard, as measured along said Southerly Right-of-Way line of Hypoluxo Road: thence South 02 degrees 29' 14" West, along a line parallel to said Westerly Right-of-way line of

Seacrest Boulevard, a distance of 137.00 feet; thence, South 88 degrees 53' 16" East, along a line parallel to said Southerly Right-of-way line of Hypoluxo Road, a distance of 150.00 feet to the intersection thereof with said Westerly Right-of-way line of Seacrest Boulevard and the Point of Beginning, being located on the southwest corner of the intersection of Hypoluxo Road and Seacrest Boulevard, bounded on the west by an 1-95 off ramp, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval, unless expressly modified herein.
2. Petitioner shall comply with all conditions of previous approvals unless expressly modified herein.
3. Condition No. 1 of Zoning Petition No. 75-69(A), Resolution No. R-84-1098, which currently states:

"1. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division."

Is hereby repealed.

4. Condition No. 2 of Zoning Petition No. 75-69(A), Resolution No. R-84-1098, which currently states:

"2. The property owner shall convey for the ultimate right-of-way of Hypoluxo Road, 54 feet from centerline, approximately an additional 1 foot within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of first building permit."

Is hereby repealed.

5. Condition No. 3 of Zoning Petition No. 75-69(A), Resolution No. R-84-1098, which currently states:

"3. This development shall not be permitted a median opening onto Hypoluxo Road."

Is hereby repealed.

6. Condition No. 4 of Zoning Petition No. 75-69(A), Resolution No. R-84-1098, which currently states:

"4. This development shall be permitted only one turnout onto Hypoluxo Road, per the County Engineer's approval."

Is hereby repealed.

7. Condition No. 5 of Zoning Petition No. 75-69(A), Resolution No. R-84-1098, which currently states:

"5. This development shall be permitted only three turnouts onto Seacrest Boulevard per the County Engineer's approval."

Is hereby repealed.

8. Condition No. 6 of Zoning Petition No. 75-69(A), Resolution No. R-84-1098, which currently states:

"6. The developer shall provide the construction plans for Seacrest Boulevard as a 5-lane undivided section from Hypoluxo Road south to the project's south property line including the appropriate tapers per the County Engineer's approval. These plans shall be completed within 12 months of Special Exception approval or prior to the issuance of Building Permits of more than 50,000 square feet, whichever shall first occur. These construction plans shall contain but not be limited to sidewalks, curb and gutter, and drainage."

Is hereby repealed.

9. Condition No. 7 of Zoning Petition No. 75-69(A), Resolution No. R-84-1098, which currently states:

"7. The developer shall construct Seacrest Boulevard as a 5-lane undivided section from Hypoluxo Road south to the project's south property line, as outlined in Condition #6 above. This construction shall be completed and accepted by Palm Beach County within 2 years of Special Exception approval or prior to the issuance of building permits for more than the square footage specified in Condition 13, whichever shall first occur. This construction will be accepted in lieu of any Fair Share Traffic Impact fee for construction of the floor area specified by Condition 13."

Is hereby repealed.

10. Condition No. 8 of Zoning Petition No. 75-69(A), Resolution No. R-84-1098, which currently states:

"8. Design of the road drainage for Hypoluxo Road and Seacrest Boulevard shall accommodate the runoff from the roads adjacent to this property and shall be subject to all governmental agency

requirements."

Is hereby repealed.

11. Condition No. 9 of Zoning Petition No. 75-69(A), Resolution No. R-84-1098, which currently states:

"9. The developer shall construct Hypoluxo Road as a 4-lane median divided section from I-95 to Seacrest Boulevard, per the County Engineer's approval, if access onto Hypoluxo Road is requested from this project prior to the 4-lane construction by Palm Beach County from I-95 to Seacrest Boulevard."

Is hereby repealed.

12. Condition No. 10 of Zoning Petition No. 75-69(A), Resolution No. R-84-1098, which currently states:

"10. The developer shall construct concurrent with the construction of the project's turnout onto Hypoluxo Road, a right turn lane, west approach."

Is hereby repealed.

13. Condition No. 11 of Zoning Petition No. 75-69(A), Resolution No. R-84-1098, which currently states:

"11. The developer shall construct concurrent with the 5-laning of Seacrest Boulevard and the project's main entrance:

- a. Left turn lane, south approach;
- b. Right turn lane, north approach."

Is hereby repealed.

14. Condition No. 12 of Zoning Petition No. 75-69(A), Resolution No. R-84-1098, which currently states:

"12. The developer shall contribute up to One Hundred and Twenty Thousand Dollars (\$120,000.00) in the form of a clean irrevocable Letter of Credit toward the cost of meeting this project's direct and identifiable impact upon Hypoluxo Road. This letter of credit shall be posted within six (6) months of Special Exception approval and prior to the issuance of the Building Permits. These monies and the construction outlined in Condition No. 7 will be accepted in lieu of the Fair Share Impact Fee for this project. This letter of credit will be called upon at the time of issuance of building permits for any construction beyond floor area

specified by Condition 13 or within 3 years after this approval, whichever occurs first."

Is hereby repealed.

15. Condition No. 13 of Zoning Petition No. 75-69(A), Resolution No. R-84-1098, which currently states:

"13. This development shall be limited to the amount of square footage and uses which will generate less than 8100 ADT with no more than 159,000 square feet. Prior to site plan certification, a traffic analysis documenting the uses and square footages of these uses and their cumulative traffic impact shall be submitted to the County Engineer and Zoning Division."

Is hereby repealed.

16. The developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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 referred to the Code Enforcement Board for enforcement.
17. If required by the County Engineer or the South Florida Water Management District the developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
18. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed sufficient right-of-way required for the construction of a right turn lane north approach on Seacrest Boulevard at the project's main entrance. This right-of-way shall be a minimum of 12 feet in width, 180 feet taper length, and a 150 feet storage length free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the

Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

19. The property owner shall construct:
 - a) left turn lane, south approach and a right turn lane north approach at the project's main entrance onto Seacrest Boulevard
 - b) right turn lane, west approach on Hypoluxo at the project's entrance road onto Hypoluxo Road concurrent with onsite paving and drainage improvements.

All Construction shall be completed prior to the issuance of any Certificates of Occupancy.

20. The property owner shall provide construction plans for the construction of dual left turn lanes plus a separate right turn lane on the southbound exit ramp of 1-95 onto Hypoluxo Road. This turn lane shall be a minimum of 250 feet plus the appropriate tapers. These construction plans shall be approved by the Florida Department of Transportation and the County Engineer based upon Palm Beach County and Florida Department of Transportation's 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 12 months of the approval of the Resolution approving this project. Plan costs shall be approved by the County Engineer and shall be 100% completed, including all required permits, within eighteen (18) months of the adoption of the resolution for this project.
21. The property owner shall construct the dual left turn lanes plus a separate right turn lane on the southbound exit ramp of 1-95 onto Hypoluxo Road. This construction shall be completed within six (6) months of the issuance of the permit by the Florida Department of Transportation.
22. Surety required for the offsite road improvements as outlined in the above two conditions shall be posted with the Office of the County Engineer within sixty (60) days of approval of the resolution for this project, or prior to the issuance of a building permit, whichever shall first occur.
23. Prior to certification by the Site Plan Review Committee the property owner shall record a Unity of

Control on the subject property subject to approval by the County Attorney.

24. No off-premise signs shall be permitted on the site.
25. Prior to site plan certification, the site shall be amended to satisfy Landscape Code provision; of Section 500.35 of the Zoning Code.
26. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Nay
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Jim Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of July 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS:

JOHN H. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK