

RESOLUTION NO. R-90-518

RESOLUTION APPROVING ZONING PETITION NO. 84-132(D)
SPECIAL EXCEPTION AND
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF SOMERSET ASSOCIATES

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 have been satisfied; and

WHEREAS, Petition No. 84-132(D) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 31, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

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

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 84-132(D) the petition of SOMERSET ASSOCIATES, by Robert E. Basehart, 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 AND AN AUTO SERVICE STATION TO (1) REALLOCATE SQUARE FOOTAGE TO PERMIT ADDITIONAL RETAIL USES; AND (2) REDUCE BUILDING SQUARE FOOTAGE, WITH A CONCURRENT MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land being a portion of Tracts 49, 50, 51, 52, 53, 54 and 55, Block 76, Palm Beach Farms CO., Plat NO.3, as recorded in Plat Book 2, pages 45 through 54 inclusive, less the Right-of-way for Lyons Road as described in Official Records Book 2870, Page 1761 being more particularly described as follows: Commencing at the Southeast corner of the above described parcel; thence North, a distance of 38.00 feet to the Point of Beginning, thence West, a distance of 329.98 feet; thence South 13.00 feet; thence West 930.31 feet; thence North 40.00 feet; thence North 43 Degrees 30' 00" West, a distance of 36.27 feet to a point on the East Right-of-way line of Lyons Road, the last five courses described being coincident with the North Right-of-way line of Glades Road (State Road 808); thence North 03 Degrees 00' 00" East, a distance of

344.78 feet to the Point of Curvature of a circular curve to the left; thence Northerly, along the arc of said curve, having a radius of 3,873.72 feet, an arc distance of 202.83 feet to the Point of Tangency; thence North, a distance of 539.79 feet, the last three courses described being coincident with the said East Right-of-way line, said point being on the arc of a circular curve to the left, whose radius point bears North from the last described point; thence easterly and Northerly, along the arc of said curve, having a radius of 30.00 feet, an arc distance of 29.55 feet; thence North 89 Degrees 10' 20" East, a distance of 241.06 feet to the Point of Curvature of a circular curve to the right; thence easterly and Southerly, along the arc of said curve, having a radius of 140.00 feet, and arc distance of 176.43 feet to the Point of Reverse Curvature; thence Southeasterly, along the arc of said curve, having a radius of 315.00 feet, an arc distance of 161.91 feet to the Point of Reverse Curvature; thence Southerly, along the arc of said curve, having a radius of 60.00 feet, an arc distance of 44.02 feet to the Point of Reverse Curvature; thence Southeasterly, along the arc of said curve, having a radius of 400.00 feet, an arc distance of 251.31 feet to the Point of Reverse Curvature; thence southerly, along the arc of said curve, having a radius of 335.00 feet, an arc distance of 165.07 feet to the Point of Reverse Curvature; thence Southeasterly, along the arc of said curve, having a radius of 197.51 feet, an arc distance of 359.29 feet to the Point of Reverse Curvature; thence easterly, along the arc of said curve, having a radius of 185.00 feet, an arc distance of 87.88 feet to the Point of Tangency; thence North 89 Degrees 11' 23" East, a distance of 207.46 feet to a point on the East line of the above described parcel; thence South, along said East line, a distance of 416.91 feet to the Point of Beginning; Less the following described parcel: (Additional Glades Road R/W). Beginning at the Southeast corner of the above described parcel; thence West, a distance of 329.98 feet; thence South, a distance of 13.00 feet; thence West, a distance of 930.31 feet; thence North, a distance of 48.00 feet; thence West, a distance of 1.61 feet, the last five courses described being coincident with the North Right-of-Way line of Glades Road (State Road 808); thence North, a distance of 12.69 feet, the last course described being coincident with the East Right-of-way line of Lyons Road; thence South 43 Degrees 30' 00" East, a distance of 17.50 feet; thence East, a distance of 500.00 feet; thence South 88 Degrees 51' 15" East, a distance of 400.08 feet; thence East, a distance of 349.86 feet; thence South, a distance of 27.00 feet to the Point of Beginning of this description. Less the following described parcel: (Additional Lyons Road R/W) Commencing at the Southeast corner of the above described parcel; thence West, a distance of 329.98 feet; thence South, a distance of 13.00 feet; thence West, a distance of 930.31 feet; thence North, a distance of 40.00 feet to the Point of Beginning of this description; thence North 43 Degrees 30' 00" West, a distance of 36.27 feet to a point on the East Right-of-Way line of Lyons Road; thence North 03 Degrees 00' 00" East, a distance of 344.78 feet to the Point of Curvature of a circular curve to the left; thence northerly, along the arc of said curve, having a radius of 3873.72 feet, an arc distance of 202.83 feet; thence North, a distance of 260.92 feet, the last five courses described being coincident with the East Right-of-Way line of Lyons Road; thence South 01 Degrees 08' 46" East, a distance of 400.60 feet; thence South 03 Degrees 00' 00" West, a distance of 400.00 feet; thence South 43 Degrees 30' 00" East, a distance of 18.77 feet; thence South, a distance of 12.69 feet; thence East, a distance of 1.61 feet; thence South, a distance of 8.00 feet to the Point of Beginning, being

located on the northeast corner of the intersection of Glades Road (SR 808) and Lyons Road, in the CG-General Commercial Zoning District, was approved on August 31, 1989 as advertised, subject to the following conditions:

1. All previous conditions of approval shall remain in effect unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be revised to reflect:
 - a. Tabular data that clearly identifies: (1) what comprises the "in-line" retail. (A-N: 175,731 square feet - 2,363 square feet = 173,368 square feet); and (2) the total square footage requested (202,763 square feet);
3. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil.
4. Condition No. 4 of Petition No. 84-132(C) which states:

"4. The general retail commercial use square footage shall be reduced from 164,200 to 163,700 square feet for the entire development.**

and

Condition No. 16.D of Petition No. 84-132 (Resolution No. R-86-1118A) which states:

"16.D This project shall be limited to 163,700 square feet of general retail commercial uses upon the final buildout of the project.*

are hereby amended to read:

"The square footage of the uses shall be limited to:

- (1) General retail commercial - 190,950 square feet
Office - 2,363 square feet
Financial Institution - 9,450 square feet

These totals may be revised in accordance with the traffic performance ordinances and Site Plan Review Committee standards.*

Commissioner Phillips moved for approval of the Resolution.

The motion **was** seconded by Commissioner Howard and, upon being put to a vote, the vote was **as** follows:

Carol J. Elmquist, Chair	--	Aye
Karen T. Marcus	--	Absent
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of March, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara O'Brien*
COUNTY ATTORNEY

BY: *Jina M. Blair*
DEPUTY CLERK

