

RESOLUTION NO. R- 84-1098

RESOLUTION APPROVING ZONING PETITION 75-69(A), 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. 75-69 (A)** was presented to the Board of County Commissioners of **Palm Beach County at its public hearing** conducted on ~~29~~h March 1984; 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. The proposed **Special Exception** is consistent with the requirements of the Comprehensive **Plan** and **Zoning Code**.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session **this 23th** day March 1984, that **Petition No. 75-69 (A)** the **petition of SHAW CORPORATION AND PATERSON PROPERTIES, INC., By Henry Skokowski, Agent,** for a **SPECIAL EXCEPTION TO EXPAND AND AMEND THE SITE PLAN FOR A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 75-63 on 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 Northwest **1/4** of **Section 9**; thence North 08 degrees 53' 16" West, **along** the North **line** of Northwest **1/4**, **being also** the center **line** of Hypoluxo Road, a distance of of 40.01

feet to the intersection with the Northerly **extension** of the **Westerly** right-of-way **line** of **Seacrest Boulevard** ; thence South 2 degrees 29' 14" West, **along said West right-of-way line**, a **distance** of **190.02 feet**; thence **continue** South 2 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" West**, 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 at Page 226**; thence **South 1 degrees 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 3 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 2 degrees 29' 14" East**, a **distance** of **41.28 feet** to the **said Point of Beginning**, together with a **parcel of land** 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 2 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 2 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 866.06 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 7 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 2 degrees 29' 14" West, along a line parallel to said Westerly right-of-way line of Hypoluxo Road, 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. Said property located on the property located on the southwest corner of the intersection of Hypoluxo Road and Seacrest Boulevard was approved as advertised subject to the following conditions:

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.
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.
3. This development shall not be permitted a median opening onto Hypoluxo Road.
4. This development shall be permitted only one turnout onto Hypoluxo Road per the County Engineer's approval.
5. This development shall be permitted only three turnouts onto Seacrest Boulevard per the County Engineer's approval.
6. The developer shall provide the construction plans for Seacrest Boulevard as a S-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 Except ion 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.
7. The developer shall construct Seacrest Boulevard as a S-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.

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 a governmental agency requirement s.

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.

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

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.

12. The developer shall contribute up to One Hundred and Twenty Thousand Dollars (\$128,888.00) 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.

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.

14. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

15. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

16. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

17. No outdoor storage of any materials, refuse, equipment or accumulated debris shall be allowed in the rear of the shopping center.

18. The east and south facades of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential and cemetery developments.

19. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets, or be contained within the enclosed loading and service area.

20. The developer shall construct a six-foot high stucco finished masonry wall along the 520 feet of the property's east boundary south of the project's main entrance on Seacrest Boulevard. Wall is to be supplemented by 12' to 14' canopy trees planted twenty feet on center and vines planted ten feet on center. Said landscaping shall be installed between the six-foot wall and the property boundary. The south property boundary shall be landscaped with a combination of a three-foot high continuous hedge at time of installation and 8' to 18 1/2' canopy trees planted at forty feet on center.

21. No free standing establishment serving or selling alcoholic beverages shall be permitted unless accessory to a full service restaurant.

Commissioner Koehler , moved for approval of the petition.

The motion was seconded by Commissioner Wilken ,

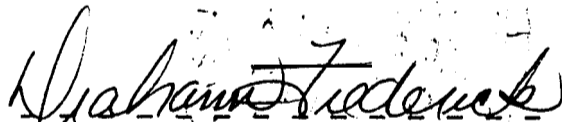
and upon being put to a vote, the vote was as follows:

Ken Spi ll ias, Chairman	-- AYE
Dorothy Wilkens, Vice Chairman	-- AYE
Peggy Evat t , Member	-- AYE
Dennis P. Koehler, Member	-- AYE
Bi ll Eai ley, Member	- - ABSENT

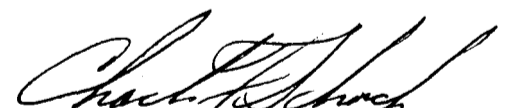
The foregoing resolution was declared duly passed and adopted this 14th day of Aug. , 1984 , confirming act ion of 29th March 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

J O H N B. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney