

RESOLUTION NO. R-85-1077

RESOLUTION APPROVING ZONING PETITION 80-161(B), 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. 80-161 (B) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd May 1985; 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 minor modifications to the site plan, this proposal will be 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 the 23rd of May 1985, that Petition No. 80-161 (B) the petition of TEXACO INC., By William R. Boose, Attorney, for a SPECIAL EXCEPTION TO 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. 80-161 TO INCLUDE A HOTEL AND INCREASE THE TOTAL FLOOR AREA on a portion of the Southwest 1/4 of the Southwest 1/4 of Section 16, Township 47 South, Range 42 East, being more particularly described as follows:

Commencing at the Southwest corner of said Section 16; thence North 89 degrees 19'27" East, along the South line of said Section 16, a distance of 404.53 feet to the point of beginning; thence continue North 89 degrees 19'27" East, along said South line of Section 16, a

distance of 937.31 feet to the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 16; thence North 0 degree 57'25" West, along the East line of said Southwest 1/4 of the Southwest 1/4, a distance of 1230.58 feet to an intersection with the South right-of-way line of State Road No. 808; thence Westerly along said South right-of-way along the arc of a circular curve to the left, having a radius of 1808.08 feet and whose radius point bears South 12 degrees 13'24" East from the last described point, with a central angle of 7 degrees 22'23", an arc distance of 232.67 feet to the point of tangency; thence continuing along said South right-of-way, South 70 degrees 24'13" West, a distance of 53.75 feet to a point of curvature of a circular curve to the right; thence Easterly continuing along said South right-of-way, having a radius of 2369.53 feet, with a central angle of 10 degrees 37'26" an arc distance of 439.37 feet; thence South 0 degree 58'01" East, a distance of 283.73 feet; thence South 89 degrees 01'59" West, a distance of 235.00 feet; thence South 0 degree 58'01" East, a distance of 763.90 feet to the Point of Beginning. Said property located on the south side of Glades Road (S.R. 808), approximately .1 mile east of Florida's Turnpike in a CG-General Commercial 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) Along the south property line abutting residential development a minimum ten foot buffer with a six foot chain link security fence topped with a "Y" barbed wire anti-scaling device with landscape planting, shrubs, and vines, to create an aesthetic buffer, supplemented with ten to twelve foot high canopy trees planted equivalent to twenty feet on center.

b) loading bays for each building **as** required by Section 500.19 (Off-street loading area).

c) a 28 foot wide landscaped buffer shall be maintained along the east property line.

d) Along the west property line abutting residential development a minimum, ten foot buffer with existing vegetation pre-served where possible and adding to the existing six foot chain link security fence a "Y" barbed wire anti-scaling device with landscape planting, shrubs, and vines, to create an aesthetic buffer.

e) Petitioner will install a six foot chain link fence, topped with a "Y" barbed wire anti-scaling structure that will connect petitioner's southern fence to the estancia fence at the southwest corner of Estancia. This fence will be continued north approximately three feet away from Estancia's wester wall. This westerly fence

will then "T" east into the Estancia wall along Glades Road and west to Estancia's actual property line. Deterrent landscaping will also be provided by petitioner along the Glades portion of the new fence from this site's easterly project entry. The fencing will be installed as soon as practical, and the landscaping will be installed at the time that petitioner's entry landscaping is installed.

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

3. Any site plan modifications following this Board of County Commission approval shall locate all buildings no less than 150 feet from the east, south, and west property lines that abut residential development.

4. No loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8 a.m.

5. 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.

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

7. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.

8. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.

9. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

10. 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 is 243,351 .00. Credit in the amount of \$200,000.00 shall be given to this developer which has already expended this sum of (\$200,00.00) toward the 4-laning of Glades Road from Lyons Road to the Florida Turnpike.

11. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

12. Exact copies of all graphics presented at the Planning Commission and Board of County Commissioners' public hearings shall be submitted to the Zoning Division for inclusion into the permanent file.

13. The proposed hotel shall not exceed ninety (90) feet in overall height .

14. There shall be no bar or cocktail lounge seating, restaurant facility, nor convention facilities in the hotel structure. This condition shall not prohibit facilities to provide complimentary breakfasts or social functions for guests only.

15. A 24-hour security program shall be established for this site which includes monitoring of surrounding residential property lines.

16. Prior to Site Plan Certification a certified tree survey shall be submitted to the permanent file.

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

18. Variance relief shall be obtained for the use of barbed wire in the fencing of the perimeter of this site. As applicable, variance relief shall also be obtained from the solid wall requirement, where this site abuts residentially zoned property and the developer proposes chain link security fence.

19. No retail sales by occasional occupants or transient vendors shall be permitted in the hotel.

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

Ken Adams, Chairman	-- AYE
Karen T. Marcus, Vice Chairman	-- AYE
Kenneth Spillias, Member	-- AYE
Jerry L. Owens, Member	-- AYE
Dorothy Wilken, Member	-- AYE

The foregoing resolution was declared duly passed and adopted this 23rd day of July confirming action of the 23rd May 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beupie
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Inague
County Attorney