

RESOLUTION NO. R- 90-207

RESOLUTION APPROVING ZONING PETITION NO. 80-114(B)
SPECIAL EXCEPTION PETITION OF
BOCA DEVELOPMENT ASSOCIATES, LIMITED

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. 80-114(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 28, 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. 80-114(B), the petition of BOCA DEVELOPMENT ASSOCIATES, LIMITED, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT TO INCLUDE A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET on a parcel of land lying in the Southeast 1/4 of Section 24, Township 47 South, Range 41 East; commencing at the South 1/4 of said Section; thence North 89 Degrees 59'54" East, along the Southerly boundary of said section, 2082.11 feet to the POINT OF BEGINNING of the herein described parcel; thence continue along the previous course, 464.51 feet to a point of intersection with the existing Westerly right-of-way line of State Road 7; thence North 1 Degree 58'47" East, along said West line, 2323.00 feet to a point; thence North 87 Degrees 52'30" West, 853.73 to a point; thence South 01 Degrees 52'11" West, 1314.00 feet to a point of curve to the left, having a radius of 839.35 feet; thence run southerly along said curve, through an angle of 38 Degrees 00'26", an arc length of 556.78 feet to a point of reverse curve to the right having a radius of 839.35 feet; thence run Southerly along said curve through an angle of 30 Degrees 51'02", 451.94 feet to a point of intersection with the existing Northerly right-of-way of Palmetto Park Road; thence North 89 Degrees 59'54" East, 30.12 feet to a point on a curve to the right having a radius of 869.35 feet;

thence from a tangent bearing South 5 Degrees 06'14" East, run Southerly along said curve, through an angle of 6 Degrees 35'51", an arc distance of 100.10 feet to the POINT OF BEGINNING; Less the rights-of-way for Palmetto Park Road and State Road 7 (U.S. 441), and less a triangular parcel for sight distance, being 25.00 feet along the rights-of-way of Palmetto Park Road and State Road 7 and being located on the northwest corner of the intersection of US 441 (SR 7) and Palmetto Park Road and is bounded on the west by 101 Trail in a CG-GENERAL COMMERCIAL ZONING DISTRICT, was approved on December 28, 1989 as advertised, subject to the following conditions:

1. The entire property shall be master planned as a single Planned Commercial Development (PCD) and subject to unity of control. The unity of control shall be approved by the County Attorney prior to site plan approval.
2. The gross leasable area (GLA) of the entire PCD shall not exceed 300,000 square feet. At least ten percent (10%) of the total GW shall be professional offices. The location of office space shall be clearly delineated on the site plan prior to approval.
3. All out-parcels shall be no less than 3/4 acre in size.
4. All uses shall utilize shared parking arrangements acceptable to the Planning, Zoning and Building Department. Appropriate cross access and parking agreements shall be submitted.

SIGNS

5. No off-premise signs shall be permitted on site.
6. Pole mounted signs shall not be permitted.
7. Monument signs shall not exceed ten (10) feet in height nor a total of 1,000 square feet in area.
8. One (1) point of purchase sign shall be permitted on Palmetto Park Road and a maximum of three (3) shall be permitted on U.S. 441.
9. A master signage program shall be submitted prior to site plan approval demonstrating conformance to these conditions.

BUILDING AND SITE DESIGN

10. The minimum setback for structures, vehicular circulation and parking areas adjacent to residential uses shall be exceeded by at least twenty percent (20%).
11. Receptacles (i.e., dumpsters) for the storage and disposal of trash, garbage or vegetation shall not be located within seventy (70) feet of El Bosque Way.
12. All areas or receptacles (i.e., dumpsters) for the storage and disposal of trash, garbage or vegetation shall be screened by a gated four-sided enclosure constructed of brick, decorative concrete, other decorative masonry consistent with the architectural character of the development, or comparable wood or steel. Enclosures shall be landscaped with thirty-six

(36) inch high shrubs and hedges planted at two (2) foot intervals. This provision shall not apply to litter containers provided for the convenience of pedestrians.

13. The maximum height, from grade to roof line, for all structures shall not exceed thirty-five (35) feet.
14. All mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color and character of the principle structure.
15. The rear portion of all structures shall be stucco. Elevations shall be provided which show (minimal) architectural treatment.
16. All outdoor lighting behind the center shall be directed away from residential areas through the use of reflective shields. Lighting fixtures in this portion of the site shall not exceed twelve (12) feet in height. Lighting in the eastern portion of the center shall not exceed thirty-six (36) feet in height.

PERIMETER LANDSCAPING

17. Landscaping within the twenty-five (25) foot landscape buffers abutting rights-of-way shall be upgraded to include:
 - A. Native canopy trees an average of fifteen (15) feet on center.
 1. Thirty percent (30%) of these trees shall be fourteen (14) foot tall; fifty percent (50%) of these trees shall be twelve (12) foot tall; twenty percent (20%) of these trees shall be ten (10) foot tall.
 - B. One (1) native palm for each thirty (30) linear feet of required buffer.
 - C. A landscape buffer a **minimum** of thirty-six (36) inches in height at installation to be maintained at forty-two (42) inches.
18. All trees on site shall be permitted to reach and maintained at a mature height of a minimum of fifteen (15) feet. Maintenance shall conform to Arbor Society recommended practices.
19. All landscape areas shall be fully irrigated.
20. A complete set of landscape plans shall be submitted to the Zoning Division demonstrating conformance to all Landscape Code Requirements and conditions of approval.
21. Prior to site plan approval, a tree survey shall be submitted which locates all oaks ~~and slash~~ pines found on site. Those trees within the perimeter buffer shall be incorporated into the project design.
22. Landscaping along the western property line shall include:

- A. An eight (8) foot tall concrete block and steel wall installed along the western edge of parking and loading area.
- B. A minimum thirty (30) foot wide landscape buffer along the entire western base building line.
- C. A minimum three (3) foot tall berm sloping from the wall to the western base building line.
- D. Native canopy trees shall be planted an average of fifteen (15) foot on center.
 - 1. Thirty percent (30%) of these trees shall be fourteen (14) foot tall;
 - 2. Fifty percent (50%) of these trees shall be twelve (12) foot tall;
 - 3. Twenty percent (20%) of these trees shall be ten (10) foot tall.

Trees shall be compatible with the adjacent ~~pre~~ flatwoods.

- E. One (1) native palm for each 30 linear feet.
- F. A double row of shrubs.
 - 1. Planted an average of ~~thirty-six~~ (36) inches on center (1,468 plants).
 - 2. Fifty percent (50%) shall be native.
 - 3. Ten percent (10%) of these shrubs shall be forty-two (42) inches in height; Fifty percent (50%) of these shrubs shall be thirty-six (36) inches in height; forty percent (40%) of these shrubs shall be twenty-four (24) inches in height.
 - 4. An average height of forty-two (42) inches shall be reached within one (1) year of installation and shall be maintained at an average height of sixty (60) inches.

INTERIOR LANDSCAPING

- 23. The above noted perimeter landscape conditions shall be modified to accommodate special landscaping for the intersection of Palmetto Park and US 441 as reflected on Exhibit 47.

Parking shall be based upon a ninety-five percent (95%) net leasable floor area figure. All excess stalls shall be used to break up the expansive eastern parking area. One (1) additional tree shall be planted for each ninety (90) square feet of additional interior landscape area.

- 24. Fifty percent (50%) of all trees within the interior parking area shall be twelve (12) feet in height or greater and the remainder shall be ten (10) feet in

height or greater. One landscape island shall be provided for every **ten** (10) cars.

ACCESS

25. No more than three (3) access points shall be permitted.
26. Contiguous access to all portions of the PCD for pedestrians, bicyclists, and the handicapped shall be provided.
27. Access to mass transit facilities shall be provided.

HEALTH

28. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
29. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

DRAINAGE

30. 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 **100%** of 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.
31. No positive outfall shall be permitted into the Palmetto Park Road Drainage System unless approved by the County Engineer. Drainage from this project shall be contained onsite with outfall only being permitted into a drainage district subject to their permission and approval.

ENGINEERING

32. Prior to March 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development **Division** by road **right-of-way warranty deed** for State Road 7, 200 feet free of all **encumbrances** and encroachments on an alignment approved by the County Engineer. Property owner 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.

33. All trips traveling north when exiting the site shall turn left onto U.S. Highway 441. Traffic devices, to ensure that vehicles may safely cross the southbound lane of U.S. Highway 441, must be acceptable to the County Engineer and the Florida Department of Transportation.
34. The Property owner shall construct on State Road 7 at the project's:
 - a. north entrance a right turn lane, north approach
 - b. middle entrance a right turn lane, north approach and a left turn lane, south approach
 - c. south entrance a left turn lane, south approach and a right turn lane, north approachall concurrent with the issuance of the first Building Permit, Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
35. 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 \$499,950.00 (9,090 trips X \$55.00 per trip). Credit for this impact fee may be applied toward for the 6 laning of Glades Road as outlined in the condition below.
36. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
 - a. A minimum of 30,000 square feet of the project shall remain in office use.
 - b. No Building Permits shall be issued after December 31, 1991.
37. In addition to the impact fee this developer shall contribute the amount of \$1,000,000 toward roadway improvements in the project area. These funds shall be delivered to Palm Beach County prior to twenty (20) days after receipt of the resolution approving this project.
38. The Developer shall install signalization if warranted as determined by the County Engineer at the project's entrance(s) and State Road 7. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
39. Planting within the Palmetto Park and 441 intersection shall be in conformance with the graphics presented at the Board of County Commissioners. All graphics shall be made a part of the record prior to Site Plan Review Committee.
40. No access shall be permitted onto El Bosque Way.

41. The petitioner shall provide sod and irrigation within the right-of-way subject to County Engineering approval. All landscaping and irrigation shall be maintained in accordance with Palm Beach County standards.
42. Failure to comply with any conditions of approval 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 Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 6TH day of February, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

[Signature]
COUNTY ATTORNEY

BY:

[Signature]
DEPUTY CLERK

