

RESOLUTION NO. R-83-976

RESOLUTION APPROVING ZONING PETITION 78-261 (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. 78-261(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26th May 1983; 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 rezoning and special exception would be consistent with the Comprehensive Plan provided that improvements are made to the County's Thoroughfare System to mitigate this project's traffic impact and provided that the developer provides for the extension of sewer service to this property.
2. The proposed development as shown on the site plan would not be compatible with abutting properties due to noise and visual impacts.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 26th day May 1983, that Petition No. 78-261(A) the petition of ISOSCELES, INC., CARL W. JOHNSON, JOHN S. LOUCKS, ELMER AND ANNE PETKO 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 FOOT OF TOTAL FLOOR AREA, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 78-261 TO INCLUDE A PLANNED COMMERCIAL DEVELOPMENT on a part of Southeast 1/4 of the Southwest 1/4 lying West part of the Southeast 1/4 of the Southwest 1/4 lying West of U.S. Highway No. 1, Section 33, Township 41 South,

Range 43 East; described as follows:

Beginning at a point in the West line of the Southeast 1/4 of the Southwest 1/4 of Section 33, said point being 30 feet Northerly, measured at right angles, from the South line of said Section 33, thence Northerly along the West line of said Southeast 1/4 of the Southwest 1/4 of Section 33, a distance of 634.72 feet to a point in the South line of land heretofore conveyed to Jack I. Weissman and Minnie Weissman, his wife; thence Easterly, parallel to the South line of said Section 33, and along the South line of said Weissman's land, 669.00 feet, more or less to a point in the centerline of U.S. Highway No. 1; thence Southwesterly along the centerline of said U.S. Highway No. 1, a distance of 658.65 feet, more or less, to a point in said line parallel to and 30 feet North of the South line of said Section 33, thence Westerly along said parallel line 516.4 feet, more or less, to the Point of Beginning, Excepting the West 30 feet thereof and subject to the right-of-way of U.S. Highway No. 1, as now laid out and in use:

Also less and excepting from the above described property, property sold by James J. Reddy to Blondell Hospital House, Inc., described as follows:

The North 58 feet of the South 664.74 feet of the Southeast 1/4 of the Southwest 1/4, lying West of U.S. Highway No. 1, Section 33, Township 41 South, Range 43 East, being the North 58 feet of property purchased by James J. Reddy from Suburban Palm Beach, Inc., also less that part of the Southeast 1/4 of the Southwest 1/4 lying West of U.S. Highway No. 1, Section 33, Township 41 South, Range 43 East, described as follows:

Commencing at a point in the West line of the Southeast 1/4 of the Southwest 1/4 of Section 33, said point being 30 feet Northerly, measured at right angles, from the South line of said Section 33, a distance of 213.53 feet to the Point of Beginning of the hereinafter described parcel; thence continue Easterly along said parallel line a distance of 259.59 feet to a point in the Westerly right-of-way line of U.S. Highway No. 1 (State Road No. 5); thence Northerly along said Westerly right-of-way line a distance of 200.0 feet to a point, thence Westerly parallel to the South line of said Section 33, a distance of 259.59 feet to a point, thence Southerly, parallel to said

Westerly right-of-way line of U.S. Highway No. 1, a distance of 200.6 feet to the Point of Beginning.

Together with the following described parcel:

The North 183.10 feet of the South 789.84 feet of the Southeast 1/4 of the Southwest 1/4 of Section 33, Township 41 South, Range 43 East, less the West 140 feet thereof, and less that portion thereof lying East of the Westerly right-of-way line of State Road No. 5 (U.S. 1) as now laid out and in use.

Together with the following described parcel:

Beginning at a point on the West line of the Southeast 1/4 of the Southwest 1/4 of Section 33, Township 41 South, Range 43 East, said point being 990 feet measured along the West line of said Southeast 1/4 of the Southwest 1/4, North of the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 33, thence Easterly parallel to the South line of said Section 33, 747 feet, more or less to the center line of U.S. Highway No. 1, as now laid out and in use; thence Southwesterly along the center line of U.S. Highway No. 1, 207.7 feet, more or less, to a point in a line parallel to, and 200 feet, measured at right angles, South of the first described course; thence Westerly along said parallel line, 699 feet, more or less, to the West line of the Southeast 1/4 of the Southwest 1/4 of said Section 33, thence Northerly along the West line of the Southeast 1/4 of the Southwest 1/4 of said Section 33, 200.16 feet, more or less, to the Point of Beginning; excepting from the above described property the West 30 feet thereof, also subject to the right-of-way of U.S. Highway No. 1, as now laid out and in use; also subject to easement to Florida Power and Light Company for public utility purposes.

Together with the following described parcel:

The East 110 feet of the West 140 feet of the North 183.10 feet of the South 789.84 feet of the Southeast 1/4 of the Southwest 1/4 of Section 33, Township 41 South, Range 43 East. Said property located on the northwest corner of the intersection of U.S. No. 1 and Juno Road was approved as advertised subject to the following conditions:

1. Concurrent with on-site paving and drainage improvements and prior to the issuance of C of O, the developer shall construct on U.S. Highway #1:
 - a. Right turn lanes, north approach, at each of the

project's entrances.

b. Left turn lane, south approach at the intersection of Juno Road and U.S. Highway #1 as directed by the County Engineer, along with nonmountable curbed and landscaped medians.

2. Concurrent with on-site paving and drainage improvement and prior to issuance of the C of O the developer shall reconstruct left turn lane, south approach, at the intersection of Juno Road and U.S. Highway #1 as directed by the County Engineer.
3. Concurrent with on-site paving and drainage improvements and prior to issuance of the C of O, the developer shall construct a nonmountable curbed median on U.S. #1 in front of the project to eliminate left turns from south approach where no median openings are proposed.
4. This project shall be limited to two (2) curb cuts on U.S. Highway # 1.
5. The development shall retain onsite 85% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division; and shall be required to have positive outfall prior to the issuance of building permits.
6. The developer shall contribute One Hundred and Eight Thousand and One Hundred Twenty-Five Dollars (\$108,125.000) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the rate of \$.98 per square foot of general commercial, at the time of issuance of the building permit. Credit for the impact fee based upon a certified cost estimate per the County Engineer's approval shall be applied toward condition numbers 7c, 8a, and 8b below:
7. The developer shall construct concurrent with a paving and drainage permit issued from the Office of the County Engineer:
 - a) right turn lane, east approach on Juno Road at Ellison Wilson Road;
 - b) left turn lane, west approach on Juno Road at U.S. # 1;
 - c) Resurface Juno Road from U.S. 1 west to Ellison Wilson Road to Palm Beach County standards per the County Engineer's approval;
 - d) Signalization when warranted at the intersection of Juno Road and U.S. 1, however in no event later than 5 years after the final certificate of occupancy, at which time if no warrant has been issued this requirement shall be void.
8. The developer shall construct concurrent with on-site paving and drainage improvements and prior to the issuance of a Certificate of Occupancy, however in any event no later than twenty-four (24) months after Special Exception approval at the intersection of PGA and U.S. 1:
 - a) Dual left turn lanes north and south approaches.
 - b) Extend the existing right turn lane north approach, per the County Engineer's approval.

This construction shall include, but not be limited to: plan design, curb and gutter, non-mountable traffic separator, drainage, sidewalk and signalization upgrading, all subject to approval by the Florida Department of Transportation and the County Engineer.

9. The petitioner shall revise the site plan to provide for

safe sight distance for the proposed median opening on U.S. 1 at the project's entrance. This location shall be per the County Engineer's approval.

10. Reasonable precautions shall be exercised during the site development to insure that dust particles from this property do not become a nuisance to neighboring properties.
11. Reasonable measures shall be employed during site development to insure that no pollutants from this property will enter adjacent or nearby surface waters.
12. The developer shall construct a six-foot high stucco finish masonry wall along the property's north and west property lines supplemented by trees and vines along the Osceola Road frontage. Should this wall and landscaping be constructed in an easement it shall be the developer's responsibility to insure that the wall and landscaping are repaired or replaced within 30 days of any damage or removal done by the utility company.
13. Loading docks and dumpsters locations and their use shall be subject to the following restrictions:
 - a. Loading docks and dumpsters shall be located adjacent to the shopping center building and shall be screened by wingwalls at least 10 feet in height.
 - b. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.
14. Heavy landscaping shall be installed across from the intersections of local residential streets and Osceola Road. The north and west facades of the shopping center will be landscaped with foundation plantings and with canopy's tree within adjacent paved areas.
15. All mechanical and air conditioning equipment shall be roof-mounted and screened with parapets.
16. The north and west 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 development.
17. Security lighting shall be directed away from nearby residences.
18. No independently licensed alcohol-serving establishments will be permitted on this site. Only lounges accessory to a full service restaurant will be permitted.
19. Any grocery store in this center must cease nighttime operation by 10:00 P.M.
20. There shall be no internal cross access to the main entrance drive from U.S. Highway # 1 located closer than permitted by the site plan review committee.
21. The developer shall install landscaping as shown on the colored plan displayed at the Board of County Commissioners Hearing which included trees planted at 20 feet on center and no structures closer than 65 feet to the property line, and a three foot high continuous hedge along U.S. Highway #1. All landscaping shall be served by an automatic sprinkler system, and shall be maintained in healthy and groomed condition by the developer.
22. No movie theaters, game arcades or package liquor stores will be permitted in this center.

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

Peggy E. Evatt, Chairman	-- AYE
Ken Spillias, Vice Chairman	-- AYE
Dennis P. Koehler, Member	-- AYE
Dorothy Wilken, Member	-- AYE
Bill Bailey, Member	-- AYE

The foregoing resolution was declared duly passed and adopted
this 30th day of **August** , **1983** I confirming action of
26th May 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Lisa Cropp*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Callett
County Attorney

