

RESOLUTION NO. R-1836

RESOLUTION APPROVING ZONING PETITION 84-99, 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. 84-99 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 26th of July 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 proposal is consistent with the requirements of the Zoning Code and Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 26th of July 1984, that Petition No. 84-99 the petition of MISSION BAY DEVELOPMENT CO., INC. By William R. Boose, III, Esquire, for the SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA, AUTO SERVICE STATION WITH GASOLINE PUMP ISLAND FACILITIES AND A THEATRE on a parcel of land being a portion of Tracts 7, 8, 9, 49, 50, 51 and 52 of Florida Fruit Lands Company's Subdivision No. 2; as recorded in Plat Book 1, Page 102 and located in Section 13, 'Township 47 South, Range 41 East, being more particularly described as follows:

Commencing at the Southeast corner of said Section 13; thence North 00 degrees 54'39" West, along the East line of said Section 13, a distance of 1644.81 feet; thence South 89 degrees 08'17" West, a

distance of 86.69 feet to the existing West right-of-way line of State Road No. 7 and the Point of Beginning; thence continue South 89 degrees 08'17" West, a distance of 259.50 feet; thence North 00 degrees 51'43" West, a distance of 560.64 feet; thence South 89 degrees 08'17" West, a distance of 100.00 feet; thence South 37 degrees 08'17" West, a distance of 100.00 feet; thence South 00 degrees 51'43" East, a distance of 180.00 feet; thence South 89 degrees 08'17" West, a distance of 140.00 feet; thence South 37 degrees 08'17" West, a distance of 180.00 feet; thence South 89 degrees 08'17" West, a distance of 375.00 feet; thence North 12 degrees 51'43" West, a distance of 1100.00 feet; thence North 39 degrees 14'42" East, a distance of 489.88 feet; thence North 89 degrees 08'17" East, a distance of 960.00 feet to the said right-of-way line of State Road No. 7; thence South 00 degrees 51'43" East, along said right-of-way a distance of 1610.64 feet to the Point of Beginning. Said property located on the west side of U.S. 441 (S.R. 7), approximately 1.3 miles south of Yamoto Road Extension was approved as advertised subject to the following conditions:

1. Petitioner shall retain onsite 100% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division. In addition, the Developer shall provide legal positive outfall or receive a variance from this requirement.
2. The property owner shall convey for the ultimate right-of-way of S.R. 7, 240 feet west of the west right-of-way line of the Lake Worth Drainage District E-1 Canal, within ninety (90) days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit.
3. The property owner shall convey the ultimate right-of-way for Glades Road necessary to provide for a 120 foot ultimate section. This right-of-way alignment shall be per the County Engineer's approval within ninety (90) days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit.
4. The property owner shall convey from the subject property the ultimate right-of-way for the "Special Exception" at Glades Road and S.R. 7 per the County Engineer's approval. This right-of-way shall be conveyed within ninety (90) days of adoption of the Resolution by the Board of County Commissioners and accepted by Palm Beach County or prior to the issuance of a building permit.
5. Based on traffic impacts and total traffic projected in the impact area, the project shall not be issued a building permit until 21 months after the approval date by the Board of County Commissioners.

6. The petitioner shall provide the construction plans for S.R. 7 as a four-lane, median-divided section (expandable to 6-lanes), compatible with the Department of Transportation typical section from Palmetto Park Road south to the Hillsboro Canal plus the appropriate tapers, per the County Engineer's approval. These plans shall be completed within six (6) months of the approval date by the Board of County Commissioners *or* prior to the issuance of a Certificate of Occupancy, whichever first occurs. The cost of these plans shall not exceed \$100,000.00.

7. The petitioner shall provide the construction plans for Glades Road as a six-lane, median-divided facility from Powerline/Jog Road to Boca Rio Road plus the appropriate tapers, including adjustments to the Florida Turnpike overpass structure, per the County Engineer's approval. These plans shall be completed within eighteen (18) months of the approval date by the Board of County Commissioners. The cost of these plans shall not exceed \$100,000.00.

8. The Developer shall acquire the additional right-of-way to provide for a total of 200 feet of right-of-way for S.R. 7 west of the west right-of-wayline of Lake Worth Drainage District E-1 Canal, from Palmetto Park Road to the Hillsboro Canal plus the appropriate tapers which will be required for the road construction for S.R. 7 as outlined in condition number six above. This right-of-way shall be acquired within twelve (12) months of the approval date by the Board of County Commissioners. Palm Beach County will acquire this right-of-way at the Developer's expense.

9. The Developer shall construct S.R. 7 as a four-lane divided section from Palmetto Park Road south to the Hillsboro Canal plus the appropriate tapers, per the County Engineer's approval. The construction shall include an asphalt overlay of the two existing lanes on S.R. 7, if required by the County Engineer. This construction shall be completed and accepted by Florida Department of Transportation prior to the issuance of a Certificate of Occupancy or within two (2) years of the approval date by the Board of County Commission, whichever shall occur first,

10. The Developer shall construct Glades Road as a six-lane divided section from Powerline/Jog Road to Boca Rio Road plus the appropriate tapers, per the County Engineer's approval. This construction shall be completed and accepted by the Florida Department of Transportation prior to the issuance of a Certificate of Occupancy *or* within three (3) years of approval date by the Board of County Commissioners, whichever shall first occur. This construction shall also include any adjustments to the Florida Turnpike as outlined in Condition No. 7, above.

11. The Developer shall construct concurrent with paving and drainage improvements pursuant to a Paving and Drainage Permit issued from the Office of the County Engineer:

- A, Glades Road from S.R. 7 west to the project's west property line as a four-lane median divided section.
- B. At the intersection of Glades Road and S.R. 7:
  - (1) Right turn lane on the south approach.
  - (2) Dual left turn lanes, all approaches.
- C. At the project's north and south entrance road onto S.R. 7:
  - (1) Left turn lane, south approach.
  - (2) Right turn lane, north approach,
- D. At the project's west entrance road and Glades Road a left turn lane, west approach.

12. 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. Presently, the Fair Share Fee for this project is \$163,288.00.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, the developer shall pay the increased fee and be entitled to credits towards the construction of State Road 7 and Glades Road.

The construction of S.R. 7 and Glades Road as outlined in Conditions 6, 7, 8, 9 & 10, shall be credited toward the Fair Share Impact Fee of \$163,288.00 based upon a Certified Cost Estimate by the Developer's Engineer, subject to review by the County Engineer. Surety must be posted with the County Engineer an amount equivalent to the road construction for S.R. 7 and Glades Road as outlined in Condition Nos. 6, 7, 8, 9 & 10 within ninety (90) days of the adoption of the resolution by the Board of County Commissioners.

13. If any of the improvements listed above are completed by others prior to the date required by this petition, then the Developer will be relieved of all or part of the respective improvement project. Palm Beach County shall make available other existing developer commitments which are earmarked for the construction of Glades Road from Jog/Powerline Road to Boca Rio Road prior to the same being constructed. In the event that another entity constructs S.R. 7 from the Hillsboro Canal to Palmetto Park Road (or) Glades Road from Jog/Powerline Road to Boca Rio Road this Developer shall make a contribution in either cash or construction costs in a total amount not less than \$888,870.00. Note: It is the intent of the Office of the County Engineer that Palmetto Park Road will be constructed as a 6-lane median divided section from west of the the Florida Turnpike to I-95 at the at the time of construction for its presently budgeted 4-lane median divided section. This could be accomplished pending approval by the Board of County Commissioners with the use of the Impact Fees Monies or other developer commitments which may be granted zoning approvals.

14. The property owner shall provide Palm Beach County with a road drainage easement through this project's internal lake system for the road drainage of Cain Boulevard, Glades Road, and S.R. 7. This drainage easement shall be subject to all Governmental Agency Requirements.

15. The Developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction.

16. 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.

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

18. Prior to site plan certification, the site plan shall be amended to reflect the following:

- A. All mechanical and air conditioning equipment to be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
- B. 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 appearance and a negative visual impact upon nearby residential development.

19. No storage or placement of any materials, refuse, equipment or accumulate debris in the rear of the shopping area shall be permitted.

20. No parking of any vehicles along the rear of the shopping center except in designated spaces or unloading areas shall be permitted.

21. Exact copies of the master plan and related graphics as presented at the Board of County Commissioner's public. Hearing shall be submitted to the Zoning Division and make part of the official file.

22. Structure in this Planned Commercial Development shall be limited to two stories, and in no event shall the height of the finished roof exceed 30 feet.

23. Any underground fuel storage tanks shall be installed to provide maximum protection against leakage or spillage due to corrosion, breakage, structural failure, or other means. Acceptable designs for tank construction include cathodically protected steel, glass fiber reinforced plastic, steel clad with glass fiber reinforced plastic, double-walled steel or plastic; or other equivalent design. The design and installation plans will be submitted to the Health Department for approval prior to installation.

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

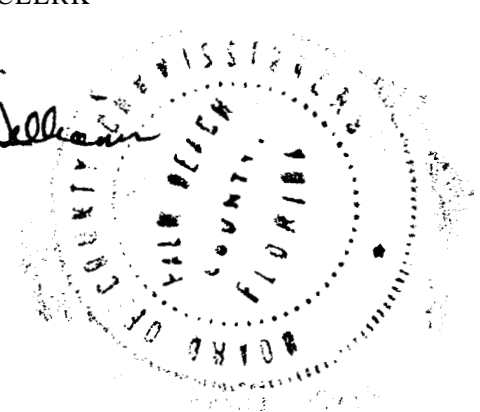
Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	NAY
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of **DEC 11 1984**, confirming action of the 26th of July 1984.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Donna McWilliam*  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Paul J. Sprague*  
County Attorney