

RESOLUTION NO. R-86-1118A

RESOLUTION REPEALING RESOLUTION NO. R-85-304 AND RATIFYING RESOLUTION APPROVING ZONING PETITION 84-132, Special Exception

WHEREAS, Carteret Savings and Loan Associates petitioned the Palm Beach County Board of County Commissioners sitting as the final zoning authority, on 1st of November 1984, for a 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, on a parcel of land located on the northeast corner of the intersection of Glades Road (S.R. 808) and Lyons Road; and

WHEREAS, the Board of County Commissioners, sitting as the final zoning authority denied the petition on November 1, 1984; and

WHEREAS, Resolution No. R-85-304, attached hereto, and make a part hereof, was adopted February 19, 1985, confirming the action of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners' denial **of** the petition was appealed to the Fifteenth Circuit Court; and

WHEREAS, the petition was remanded by Order of the Circuit Court with directions to the Board **of** County Commissioners **to** approve; and

WHEREAS, on October 30, 1985, the Board reconsidered and approved Petition No. 84-132 pursuant to the Circuit Court's direction, thereby repealing Resolution No. 85-304;

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Palm Beach County, Florida, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Resolution No. 85-304 **is** hereby repealed.
3. The repealed Resolution No. R-85-304 is hereby substituted with the following amended Resolution.

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. 84-132 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th October 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 the Order of the Circuit Court; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The proposal 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 the 30th of October 1985, that Petition No. 84-132 the petition of CARTERET SAVINGS & LOAN ASSOCIATION, **By** Robert Schmier, Agent, for a 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 on a portion of Tracts 48, 49, 50, 51, 52, 53, 54 and 55, Block 76, Palm Beach Farms Company, Plat No. **3**, in Section 17, Township 47 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54 inclusive, Less the Right-of-way for Lyons Road as described in Official Record Book 2870, Page 1761, being more particularly described as follows:

Beginning at the Southeast corner of the above described parcel; thence West, a distance of 329.98 feet; thence South 13.00 feet; thence West 930.31 feet; thence North 40.00 feet; thence North 43 degrees 30'00" West, a distance of 36.27 feet to a point on the East Right-of-way line of Lyons Road, the last five courses described being coincident with the North Right-of-way line of Glades Road (S.R.808); thence North 03 degrees 00'00" East, a distance of 344.78 feet to the Point of Curvature of a circular curve to the left; thence Northerly, along the arc of said curve, having a radius of 3873.72

feet, an arc distance of 202.83 feet to the Point of Tangency; thence North 539.79 feet, the last three courses described being coincident with said East Right-of-way line, said point being on the arc of a circular curve to the left, whose radius point bears North from the last described point; thence Easterly and Northerly, along the arc of said curve, having a radius of 30.00 feet, an arc distance of 29.55 feet; thence North 89 degrees 10'20" East, a distance of 241.60 feet to the Point of Curvature of a circular curve to the right; thence Easterly and Southerly, along the arc of said curve, having a radius of 140.00 feet, an arc distance of 175.90 feet to the Point of Reverse Curvature; thence Southeasterly, along the arc of said curve, having a radius of 315.00 feet, an arc distance of 161.91 feet to the Point of Reverse Curvature; thence Southerly, along the arc of said curve, having a radius of 60.00 feet, an arc distance of 44.02 feet to the Point of Reverse Curvature; thence Southeasterly, along the arc of said curve, having a radius of 400.00 feet, an arc distance of 251.31 feet to the Point of Reverse Curvature; thence Southerly, along the arc of said curve having a radius of 335.00 feet, an arc distance of 165.07 feet to the Point of Reverse Curvature; thence Southeasterly, along the arc of said curve, having a radius of 197.51 feet, an arc distance of 359.29 feet to the Point of Reverse Curvature; thence Easterly, along the arc of said curve, having a radius of 185.00 feet, an arc distance of 87.88 feet to the Point of Tangency; thence North 89 degrees 11'23" East, a distance of 207.46 feet to a point on the East line of the above described parcel; thence South, along said East line, a distance of 416.91 feet to the Point of Beginning.

Less the following described parcel:

Beginning at the Southeast corner of the above described parcel; thence West, a distance of 329.98 feet; thence South, a distance of 13.00 feet; thence West, a distance of 930.31 feet; thence North, a distance of 48.00 feet, thence West, a distance of 1.61 feet, the last five courses described being coincident with the North Right-of-way line of Glades Road (S.R.808); thence North, a distance of 12.69 feet, the last course described being coincident with the

East Right-of-way line of Lyons Road; thence South 43 degrees 30'00" East, a distance of 17.50 feet; thence East, a distance of 500.00 feet; thence South 88 degrees 51'15" East, a distance of 400.08 feet; thence East, a distance of 349.86 feet; thence South, a distance of 27.00 feet to the Point of Beginning of this description.

Less the following described parcel:

Commencing at the Southeast corner of the above described parcel; thence West, a distance of 329.98 feet; thence South, a distance of 13.00 feet; thence West, a distance of 930.31 feet; thence North, a distance of 40.00 feet to the Point of Beginning of this description; thence North 43 degrees 30'00" West, a distance of 36.27 feet to a point on the East Right-of-way line of Lyons Road; thence North 03 degrees 00'00" East, a distance of 344.78 feet to the Point of Curvature of a circular curve to the left; thence Northerly, along the arc of said curve, having a radius of 3873.72 feet, an arc distance of 202.83 feet; thence North, a distance of 262.90 feet, the last five courses described being coincident with the East Right-of-way line of Lyons Road; thence South 01 degree 08'46" East, a distance of 400.60 feet; thence South 03 degrees 00'00" West, a distance of 400.00 feet; thence South 43 degrees 30'00" East, a distance of 18.77 feet; thence South, a distance of 12.69 feet; thence East, a distance of 1.61 feet; thence South, a distance of 8.00 feet to the Point of Beginning of this description. Said lands situate, lying and being in Palm Beach County, Florida. Subject to all easements, reservations and Rights-of-way of record. Said property located on the northeast corner of the intersection of Glades Road (**S.R.808**) and Lyons Road was approved as advertised pursuant to the order of the Circuit Court subject to the following conditions:

1. Prior to Site Plan Certification, a revised site plan shall be submitted reflecting the following:
  - a) 21 handicap parking spaces with the appropriate signage.
  - b) Master signage program.
  - c) Denotation of Lyons Road centerline with the ultimate right-of-way shown to the base building line of the property.
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. The proposed landscape plan on Glades Road presented at the Planning Commission and Board of County Commissioners' public hearing shall be completed on or before the date of issuance of the first building permit for the final phase under Condition No. 16(D).

4. The rear 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.

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

6. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.

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

8. Security lighting shall be directed away from nearby residences.

9. The developer shall convey to the Lake Worth Drainage District the required right-of-way for Lateral Canal No. 45, adjacent to the subject property, by Quit Claim Deed or an Easement Deed in the form provided by said district.

10. 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.

11. The property owner shall convey for the ultimate right of way of:

- (A) Lyons Road, 54 feet from centerline.
  - (B) Glades Road, 80 feet from centerline.
  - (C) Glades Road and Lyons Road per the "Special Intersections" as shown on the Thoroughfare Right of Way Protection Map.
- (a) Glades Road, 88 feet from centerline.
  - (b) Lyons Road, 64 feet from centerline.

All within 90 days of adoption of the Resolution by the Board of County Commissioners; all conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit.

12. The developer shall construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer:

- (A) Left Turn Lane, North approach on Lyons Road at both project's entrance road.
- (B) Continuous right Turn Lane, South approach into the project's entrances along Lyons Road for the entire length of the project's frontage.

13. 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 \$137,500.00. This amount shall be paid at the time of issuance of the first building permit.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount shall be credited toward the increased Fair Share Fee.

Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$175,000.00 toward

Palm Beach County's existing Roadway Improvement Program. This \$175,000.00 is to be paid within six months of approval date by the Board of County Commissioners.

14. The Petitioner shall provide Palm Beach County with a road drainage easement through this project's internal lake system to legal positive outfall for the road drainage of Lyons Road and Glades Road. This drainage easement shall be subject to all governmental agency requirements.

15. At the time of construction of the driveway connections onto Glades Road, the median treatments will be as required by the County Engineer. This construction will include, but not be limited to curbing of the median, left turn lane, west approach, on Glades at the projects' entrance road.

16. This project shall be limited to the following phasing plan in order to meet the mandatory Traffic Performance Standards:

(A) There shall be no more than 48,364 square feet of gross building area until Glades Road has been constructed as a 4-lane median divided section from Lyons Road to S.R. 7. It is the intent that Palm Beach County will draw all necessary plans, including the expanded intersection at Glades Road and Lyons Road, and use this Petition's Impact Fee as outlined in Condition No. 13 for this construction.

(B) There shall be no more than 18,900 square feet of gross building area until Lyons Road has been constructed as a 4-lane median divided section from Glades Road to Kimberly Road.

(C) There shall be no more than 90,000 square feet of gross building area until Palmetto Park Road has been constructed as a 4-lane median divided section from S.R. 7 to Jog/Powerline Road.

(D) This project shall be limited to 163,700 square feet of General Retail Commercial uses upon the final buildout of the project.

17. 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.

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

19. Prior to site plan certification, exact copies of all graphics presented at the Planning Commission and the Board of County Commissioner's Public Hearings shall be submitted to the Zoning Division and made part of the permanent petition file.

20. The developer shall install signalization at the intersection of Glades Road and the project's easterly entrance when warranted by the County Engineer.

21. The developer shall repair any bike path or sidewalks damaged during construction along with Glades Road or Lyons Road.

22. The developer shall not place any off-premises advertising signs (billboards) on this site.

23. The developer shall comply with prospective amendments to the Palm Beach County Landscape Code.

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

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	ABSENT
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	ABSENT
Dorothy Wilken, Member	--	OPPOSE1

The foregoing resolution was declared duly passed and adopted this 12th day of August, 1986 confirming action of the 30th October 1985.

PALM BEACH COUNTY, FLORIDA  
 BY ITS BOARD OF COUNTY  
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Poljanec  
 Deputy Clerk



APPROVED AS TO FORM  
 AND LEGAL SUFFICIENCY

Andy [Signature]  
 County Attorney