

RESOLUTION NO. R-87-443

RESOLUTION APPROVING ZONING PETITION 86-124, 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 ~~NB~~ 73-2 have been satisfied; and

WHEREAS, Petition No. 86-124 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning authority, at its public hearing conducted on October 23, 1986 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 required site plan modifications, 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 24th day of March, 1987, that: Petition No. 86-124, the petition of THE GOLD COAST GROUP, INC., By Ronald Sayles, Agent, for a SPECIAL EXCEPTION TO CILLOW A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA on: Parcel "A": a parcel of land lying in the Northwest 1/4 of Section 4, Township 42 South, Range 43 East, being more particularly described as follows: Beginning at the point of intersection of the

canterline of State Highway No, 4 (U.S. Highway No, 1) and the South line of the Northwest 1/4 of Section 4, Township 42 South, Range 43 East. Measure thence Northeasterly along said centerline 2600 feet to the Point of Beginning; continue along the centerline of said highway, a distance of 465.41 feet, more or less, to a point which is 100 feet from the North line of said section, measured along the centerline of said highway; thence, run East parallel to the North line of said Section, 385 feet to a stake which is 100 feet West of the East line of the Northwest 1/4 of said Section, thence, run South parallel to the East line of said Northwest 1/4 of said Section, 483.6 feet, more or less, to a stake which is on a line East of the Point of Beginning and parallel to the South line of said Northwest 1/4, thence, run Westerly along said line which is parallel to the South line of said Northwest 1/4, a distance of 523 feet, more or less, to the Point of Beginning. LESS, however that portion of the above describe property lying within the Right-of-Way for U.S. Highway 1. Together with: Parcel "B". Beginning at the point of intersection of the centerline of State Highway No. 4 (U.S. Highway No. 1), and the North line of the Northwest 1/4 of Section 4, Township 42 South, Range 43 East, measured thence in a Southwesterly direction along said centerline of said highway 100 feet to a point; thence measure East parallel to the North line of said Section line 385 feet, more or less, to a stake which is 100 feet from the East line of said Northwest 1/4 section; thence North parallel to the East line of said Northwest 1/4 section 97.9 feet, more or less, to a stake in the North line of said section; thence West 375 feet, more or less, to the Point of Beginning being, also described as the North 100 feet, measured on Federal Highway, East of Federal Highway, LESS the East 100 feet of the Northwest 1/4 of Section 4, Township 42 South, Range 43 East, Subject to Right-of-way of U.S. Highway NO. 1 and to Right-of-way in favor of Florida Power and Light Company. Together with: Parcel C: Beginning at the point of intersection of

the centerline of U.S. Highway Number 1, with the South line of the Northwest 1/4 of Section 4, Township 42 South, Range 43 East; thence run Northeast along the centerline of U.S. Highway Number 1, 2500 feet to a Point of Beginning; thence run along the same centerline continuing 100 feet to a point; thence run East along a line parallel to the South line 523 feet, more or less, to a point; thence run South parallel to the East line 97.9 feet, more or less; thence run West along a line parallel to the South line 550 feet to the Point of Beginning, LESS, however that portion of the above described property lying within the Right-of-Way for U.S. Highway No. 1. Said property located on the east side of U.S. Highway No. 1 (S.R. 5), approximately .5 mile north of P.G.A. Boulevard (S.R. 703) was approved as advertised subject to the following conditions:

1. Prior to Site Plan Review Committee approval, the Petitioner shall provide confirmation from Palm Beach County Environmental Sciences that the Site Plan conforms to the Mangrove Protection Act, Chapter 17-27 Florida Statutes as well as the Palm Beach County Mangrove Protection Ordinance.
2. The Section graphics presented at the public hearing shall be received by the Zoning Division for inclusion into the official file,
3. The developer shall meet the stormwater retention requirements in effect at the time of the permit application for the applicable drainage district however at a minimum. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one (1) hour storm per requirements of the Permit Section, Land Development Division. 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 to the satisfaction of the County Engineer, the matter shall be submitted to the Code Enforcement Board for review and possible citation.
4. The property owner shall convey for the ultimate right-of-way for:
 - a) U.S. 1, 60 feet from centerline within 90 days of the approval of the Resolution approving this project.
 - b) The construction of a right turn lane, south approach on U. S. 1 at the project, south entrance. This right-of-way shall be a minimum of 12 feet in width, 150 feet in length with a taper length of 180 feet.
5. The property owner shall align the project entrances with the existing median openings on U.S. 1.

6. The property owner shall construct:
 - a) a left turn lane, north approach on U.S. 1 at the project's entrance roads onto U.S. 1 at the existing median openings
 - b) right turn lane, south approach on U.S. 1 at the project's entrance road onto U.S. 1
 - c) left turn lane, east approach at the project's entrance roadall concurrent with onsite paving and drainage improvements.
7. 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 \$104,481.00 (3,900 trips X 926.79 per trip).
8. Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional \$52,241.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$156,722.00 are to be paid prior to the issuance of the first building permit or prior to July 1, 1987 whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of 952,241.00 shall be credited toward the increased Fair Share Fee.
9. In order to comply with the mandatory traffic performance standards, the property owner shall be restricted to the following phasing schedule: Use of the site shall be restricted to a 30,000 square foot furniture store and a 20,000 square foot appliance or furniture related center in addition to a maximum 25,000 square foot general commercial use.
10. The property owner shall install signalization if warranted as determined by the County Engineer at the project's entrance road and U.S. 1. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
11. Prior to Site Plan approval, the Petitioner shall record a Unity of Title Agreement covering the entire site.
12. The project shall consist of a single commercial building. No separate, free-standing buildings will be erected on the site.
13. The east and north facades of the building will receive the same architectural treatment as the principal, west facade.
14. The commercial building will not exceed twenty-eight (28) feet in height at the highest point.
15. No windows will be permitted in the second story on the east and north sides facing residential areas.
16. No showroom glass will be permitted on the east side of the building,

17. All mechanical and air conditioning equipment shall be roof mounted and screened from view.
18. No lighting above ten (10) feet in height shall be attached to the north or east sides of the building.
19. Security lighting on the east and north sides of the property shall be of low intensity and directed away from adjacent residential areas. The light fixtures will not exceed eight (8) feet in height.
20. Parking lot lighting on the west side of the property will not exceed twenty-two (22) feet in height. Lighting will be directed away from adjacent residential buildings.
21. No signs shall be placed on or above the roof line of the building. No more than two free-standing point-of-purchase signs shall be permitted on the site. No off premise signs shall be located on the site. No signs greater than eight (8) feet in height shall be attached to the east or north facades of the building.
22. Deliveries and trash pickup shall be limited to the hours of 7:30 A.M. to 8:00 P.M. on weekdays only,
23. Perimeter buffer walls shall be eight (8) feet in height. The wall erected on the east side of the property adjacent to the canal shall be extended to run along the north side of the property and along the west side of the property to a point 130 feet east of US 1. The wall will be of concrete black stucco (CBS) construction and will receive appropriate architectural treatment on both sides.
24. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind CBS walls having an architectural treatment harmonious with the principal building.
25. Subject to appropriate governmental approvals, the developer shall replace the sidewalk along US 1 from the northern to southern property lines. The sidewalk shall be completed prior to issuance of a certificate of occupancy for the commercial building.
26. Subject to appropriate governmental approvals, the developer shall landscape the medians within the right-of-way of US 1. Design of the landscaping shall be harmonious with that in the adjacent medians in front of Luria's Plaza,
27. Subject to appropriate governmental approvals, the development shall be limited to a maximum of three (3) curb cuts on US 1.
28. No bars, lounges, or package stores shall be permitted on the site. This condition shall not preclude sale of alcoholic beverages in a full service restaurant or gourmet food store.
29. Restaurant operations shall be restricted to the southwest wing of the property.

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

Karen T. Marcus	--	AYE
Jerry L. Owens	--	AYE
Ken Spillias	--	ABSENT
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 24th day of March, 1987 confirming action of October 23, 1986.

FLORIDA

PALM BEACH COUNTY,

BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jina M. Eddings
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney