

RESOLUTION NO. R-89- 605

RESOLUTION APPROVING ZONING PETITION NO. 84-192(A)  
SPECIAL EXCEPTION PETITION OF SABRA FINANCIAL SERVICES, INC.

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. 84-192(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 4, 1988: 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, 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 made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 84-192(A), the petition of SABRA FINANCIAL SERVICES, INC., by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A PLANNING COMMERCIAL DEVELOPMENT, INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA AND A MOTEL PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 84-192 ON JANUARY 4, 1985, TO 1) ABANDON THE SPECIAL EXCEPTION FOR A MOTEL, 2) INCREASE THE LAND AREA BY SIX (6) ACRES, 3) REDESIGN THE SITE TO INCLUDE, 4) AN AUTOMOBILE SERVICE STATION, AND 5) A CAR WASH, on a parcel of land lying on PARCEL 1: The West 1/2 of the East 1/2 of the Southeast 1/4 of the Northwest 1/4 and the East 1/2 of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 3, Township 41 South, Range 42 East, LESS right-of-way of Central and Southern Florida **Flood** Control District. SUBJECT TO right-**

of-way for Indiantown Road (S.R. 706) as laid out in and in use.

**TOGETHER WITH:** A parcel of land lying in the Southeast 1/4 of the Northwest 1/4 of Section 3, Township 41 South, Range 42 East, Being more particularly described as follows:

Beginning at the point of intersection of the West line of the East 1/2 of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 3, aforesaid with the Southerly right-of-way line of South Florida Water Management District Canal C-18 (700 foot right-of-way), said point being Point of Beginning ~~#1~~ #2; Thence North 73 degrees 38' 44" East, along said Southerly right-of-way line (the South line of the Northwest 1/4 of said Section 3 is assumed to bear North 89 degrees 24' 37" West and all other bearing are relative thereto), a distance of 573.44 feet to a point; thence North 88 degrees 15' 08" West, departing from the Southerly right-of-way line of said C-18 Canal, a distance of 307.41 feet to a point; thence South 01 degrees 44' 52" West a distance of 50.00 feet to a point; thence North 88 degrees 15' 08" West a distance of 238.37 feet to a point lying on the West line of the East 1/2 of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 3; thence South 01 degrees 25' 25" West, along said West line, a distance of 128.18 feet to the POINT OF BEGINNING.

**LESS AND EXCEPT:** A parcel of land lying in the Southeast 1/4 of the Northwest 1/4 of Section 3, Township 41 South, Range 42 East, being more particularly described as follows:

Commencing at the point of intersection of the West line of the East 1/2 of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 3 aforesaid with the Southerly right-of-way line of South Florida Water Management District Canal C-18 (700 foot right-of-way); thence North 73 degrees 38' 44" East, along said Southerly right-of-way line (the South line of the Northwest 1/4 of said Section 3 is assumed to bear North 89 degrees 24' 37" West and all other bearing are relative thereto), a distance of 573.44 feet to a point, said point being Point of Beginning #2; thence continue North 73 degrees 38' 44" East, along the Southerly right-of-way line of said C-18 Canal, a distance of 14.72 feet to a point, thence North 61 degrees 33' 03" East, continuing along the Southerly right-of-way line of said C-18 Canal, a distance of 114.07 feet to a point lying on the East line of the West 1/2 of the East 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 3; thence South 01 degrees 44' 52" West, along said East line and departing from the Southerly right-of-way line of said C-18 Canal, a distance of 61.95 feet to a point; thence North 88 degrees 15' 08" West, departing from said East line, a distance of 112.59 feet to the Point of Beginning.

**PARCEL 2:** That part of the West 1/4 of the Southeast 1/4 of the Northwest 1/4 and the East 1/2 of the Southwest 1/4 of the

Northwest 1/4, lying South of Canal C-18 right-of-way of Central and Southern Florida Flood Control District, in Section 3, Township 41 South, Range 42 East, Subject to right-of-way for Indiantown Road (S.R. 706) as laid out and in use.

TOGETHER WITH: A parcel of land lying in the Southeast 3/4 of the Northwest 1/4 of Section 3, Township 41 South, Range 42 East, being more particularly described as follows:

Beginning at the point of intersection of the West line of the East 1/2 of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 3 aforesaid with the Southerly right-of-way line of South Florida Water Management District Canal C-18 (700 foot right-of-way), said point being Point of Beginning #1: thence South 73 degrees 38' 44" West, along said Southerly right-of-way line (the South line of the Northwest 1/4 of said Section 3 is assumed to bear North 89 degrees 24' 37" West and all other bearing are relative thereto), a distance of 314.03 to a point of curve concave to the Southeast, having a radius of 1193.47 feet and a central angle of 17 degrees 20' 12"; thence Southwesterly, along the arc of said curve and continuing along the Southerly right-of-way line of said C-18 Canal, a distance of 361.12 feet to a point; thence North 01 degrees 37' 20" West, departing from the arc of said curve and the Southerly right-of-way line of said C-18 Canal, a distance of 58.54 feet to a point lying on the arc of a curve concentric to the preceding described curve, having a radius of 1243.47 feet, a central angle of 15 degrees 54' 16" and a radial bearing at this point of South 32 degrees 15' 32" East; thence Northeasterly, along the arc of said curve, a distance of 345.17 feet to the point of tangent of said curve; thence North 73 degrees 38' 44" East a distance of 264.78 feet to a point; thence North 01 degrees 44' 52" East a distance of 95.95 feet to a point; thence South 88 degrees 15' 08" East, a distance of 61.63 feet to a point lying on the West line of the East 1/2 of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 3; thence South 01 degrees 25' 25" West, along said West line a distance of 128.18 feet to the Point of Beginning.

PARCEL 3: The East 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 3, Township 41 South, Range 42 East, LESS HOWEVER the rights-of-way for F.C.D. C-18 Canal and State Road 706. LESS AND EXCEPT: A portion of Section 3, Township 41 South, Range 42 East, being described as follows:

Begin on the East line of the Northwest 1/4 of said Section 3; at a point North 01 degrees 55' 52" East 119.08 feet from the Southeast corner thereof; thence run South 88 degrees 22' 40" West 327.75 feet; thence North 01 degrees 45' 49" East 20.04 feet; thence North 88 degrees 22' 40" East 317.79 feet; thence North 03 degrees 19' 23" East 411.63 feet; thence South 01 degrees 55' 52" West 430.92 feet to the Point of Beginning.

ALSO LESS AND EXCEPT: A parcel of land lying in the Southeast 1/4 of the Northwest 1/4 of Section 3, Township 41 South, Range 42 East, being more particularly described as follows:

Commencing at the point of intersection of the West line of the East 1/2 of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 3 aforesaid with the Southerly right-of-way line of south Florida Water Management District Canal C-18 (700 foot right-of-way): thence North 73 degrees 38' 44" East, along said Southerly right-of-way line (the South line of the Northwest 1/4 of said Section 3 is assumed to bear North 89 degrees 24' 37" West and all other bearing are relative thereto), a distance of 588.16 feet to a point: thence North 61 degrees 33' 03" East continuing along the Southerly right-of-way line of said C-18 Canal, a distance of 114.07 feet to the Point of Beginning of the herein described parcel, said point being Point of Beginning #3 and lying on the East line of the West 1/2 of the East 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 3; thence continue North 61 degrees 33' 03" East along the Southerly right-of-way line of said C-18 Canal, a distance of 381.80 feet to a point, said point lying on the North-South quarter section line of said Section 3; thence South 01 degrees 54' 36" West, along the North-South quarter section line of said Section 3, a distance of 311.92 feet to a point; thence North 88 degrees 05' 24" West, departing from the North-South quarter section line of said Section 3, a distance of 329.11 feet to a point, said point lying on the East line of the West 1/2 of the East 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 3; thence North 01 degrees 44' 52" East, along said East line, a distance of 118.95 feet to the Point of Beginning.

LESS AND EXCEPTING from the above described Parcels 1 and 2, the following described parcels designated as (A), (B)(1) and (B)(2) which are also described in Official Record Book 3953, Page 1870: PARCEL (A): That part of the Southwest 1/4 of the Northwest 1/4 of Section 3, Township 41 South, Range 42 East, lying Southerly and Easterly of Canal C-18; lying within 141.00 feet of the centerline of survey: said survey line being described as follows:

Beginning on the West line of said Section 3; at a point South 00 degrees 36' 44" West 32.27 feet from the Northwest corner of the Southwest 1/4 of said Section 3; thence run North 88 degrees 22' 40" East 831.69 feet to the end of said survey line; thence for a Point of Reference, continue North 88 degrees 22' 40" East 1787.04 feet to a point North 01 degrees 55' 52" East 68.98 feet from the Southeast corner of the Northwest 1/4 of said Section 3: LESS AND EXCEPT therefrom the existing right-of-way for State Road 706. —~~TOGETHER WITH~~ all rights of ingress, egress, light, air, and view between the Grantor's remaining property and any facility constructed on the above described property. PARCEL (B)(1): A portion of Section 3, Township 41 South, Range 42 East, being described as follows:

Commence at the Southeast corner of the Northwest 1/4 of said Section 3; thence run North 01 degrees 55' 52" East 119.08 feet to the North right-of-way line of State Road 706; thence

South 88 degrees 22' 44" West 327.75 feet along said line to the Point of Beginning; thence continue South 88 degrees 22' 40" West 1462.40 feet along said line; thence North 01 degrees 37' 20" West 91.00 feet; thence South 88 degrees 22' 40" West 61.60 feet to a point on a curve concave to the Southeasterly having a radius of 1193.47 feet; thence from a tangent bearing of North 39 degrees 32' 40" East run Northeasterly along said curve 40.46 feet through an angle of 01 degrees 56' 33" to the end of this portion of said curve; thence North 88 degrees 22' 40" East 95.98 feet; thence South 01 degrees 37' 20" East 101.00 feet; thence North 88 degrees 22' 40" East 1402.05 feet; thence South 01 degrees 45' 49" West 20.04 feet to the Point of Beginning.

**ALSO PARCEL (B)(2):** A portion of Section 3, Township 41 South, Range 42 East, being described as follows:

Begin on the South line of the Northwest 1/4 of said Section 3; at a point North 89 degrees 24' 25" West 326.89 feet from the Southeast corner of the Northwest 1/4 of said Section 3; thence run North 89 degrees 24' 25" West 160.69 feet to the South right-of-way line of State Road 706; thence North 88 degrees 22' 40" East 160.94 feet along said line; thence South 01 degrees 45' 49" West 6.22 feet to the Point of Beginning. SUBJECT TO THE FOLLOWING: All matters contained in Deed to State of Florida, for use and benefit of Florida Department of Transportation recorded in Official Record Book 3953, Page 1870; right-of-way of Central and Southern Florida Flood Control District (now South Florida Water Management District) recorded in Official Record Book 115, Page 236; right-of-way of State Road 706, including but not limited to such as shown in Road Plat Book 1, Pages 161 through 166, inclusive, located on the northwest corner of the intersection of Indiantown Road (S.R. 706) and Central Boulevard, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a. Gasoline pump islands
  - b. Stacking lanes for each gasoline pump island and the car wash
  - c. Landscape requirements satisfying the standards of Section 500.35 of the Zoning Code with a minimum twenty five foot (25') buffer along Indiantown Road.
  - d. An opening in the median of the main accessway off Indiantown Road to allow more convenient and safe

traffic flow from the service station

- e. Upgraded landscaping along the north property line as per Condition **No. 20** below. This condition supersedes Condition **No. 9** of Zoning Petition **No. 84-192** (Resolution **No. R-85-581**)
3. The developer shall preserve all existing slash pine vegetation within the required landscape strips along the south, east, and north property lines.
4. A Unity of Control shall be established covering the entire 22.25 acre site. Two (2) copies of properly executed Unity of Control documents shall be submitted to the Zoning Division simultaneously with the Site Plan Review Committee application.
5. Condition **No. 1.a** of Zoning Petition 84-192 **No. (Resolution No. R-85-581)** which states:
  - "1. Prior to site plan certification, the site plan shall be amended to reflect the following:
    - a) Provision of the required six-foot high solid masonry wall supplemented by 12 foot to 14 foot high canopy trees planted at twenty (20) feet on center along the East property boundary abutting residential development."
- is hereby deleted.
6. The developer shall provide to Palm Beach County right-of-way plans and all associated documents necessary for the right of way taking of Central Boulevard as a 120 foot ultimate section from Indiantown Road north to the C-18 Canal. These shall be made available to Palm Beach County within 6 months of Special Exception approval. All plans and associated documents shall be per the approval of the County Engineer. Should the County need to enact condemnation procedures to obtain said right-of-way, the developer shall reimburse the County for the cost of condemnation.
7. The developer shall provide the construction plans for Central Boulevard as a four-lane curbed median divided section on Central Boulevard from Indiantown Road North to the proposed park's main entrance plus the appropriate tapers. These construction plans shall be in accordance with the County Engineer's approval and shall be completed within nine (9) months of Special Exception approval. Plans shall also include dual left turn lanes on the north, south, east and west approaches and separate right turn lane on the north approach of Indiantown Road and Central Boulevard.

8. The Developer shall construct Central Boulevard as a four lane median divided section from Indiantown Road North to the proposed park's main entrance. The developer shall also construct turn lanes as necessary at the intersection of Indiantown Road and Central Boulevard to achieve the following configurations on each approach:

North:	2 left turns, 2 thru's, 1 right turn, 2 departure lanes
South:	2 left turns, 2 thru's, 1 right turn, 2 departure lanes
West:	2 left turns, 3 thru's, 1 right turn, 3 departure lanes
East:	2 left turns, 3 thru's, 1 right turn, 3 departure lanes

The above construction shall be completed within 12 months of approval of construction plans as noted in Condition No. 7. Construction of dual left turn lanes, east and west approaches of the intersection of Central Boulevard and Indiantown Road shall be constructed concurrent with the 6 laning of Indiantown Road by the Florida Department of Transportation. This petitioner shall be fiscally responsible for any Change Order associated with these plans. Certificates of Occupancy shall not be granted until the contract for Central Boulevard as a four lane median divided section from Indiantown Road north to the proposed park's main entrance is let.

9. Petitioner shall construct a right turn lane, north approach on Central Boulevard at the project's entrance road concurrent with onsite paving and drainage improvements.
10. 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 \$302,271.57 (11,283 trips X \$26.79 per trip).
11. Based on the traffic Performance Standards (Category "A"), the developer shall contribute an additional \$151,135.78 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$453,407.34 to be paid prior to the issuance of the first Building Permit. These total funds shall be applied by the developer to perform the road construction outlined in conditions 6, 7, and 8. Any funds left after said construction is documented to the satisfaction of the County Engineer shall be paid to Palm Beach County.

12. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of **\$151,135.78** shall be credited toward the increased Fair Share Fee.
13. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by 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 as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
14. Building permits for no more than **150,000** square feet of commercial building gross floor area shall be issued until a contract is let for the construction of Indiantown Road from Maplewood to Military Trail.
15. **No** off-premise signs shall be permitted on the site.
16. The property owner shall convey from the subject property sufficient right-of-way as determined by the County Engineer to establish a "safe corner" on the northwest corner of Indiantown Road and Central Boulevard.
17. Generation and disposal of hazardous effluent; into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
18. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
19. Because water service is available to the property, a well shall not be approved for potable water use.
20. Condition **No. 9** of Zoning Petition **No. 84-192** (Resolution **No. R-85-581**), which states:
  - "9. A 25' wide buffer shall be provided along the property line, between the project and the canal. The 25' wide buffer shall include a 2'-4' high



berm throughout the buffer length. The berm must maintain the 4' height throughout at least 80% of the buffer length. The berm is to be supplemented by two (2) rows of trees planted 10'-12' high, 20' on center and a 18 inch hedge planted 24 inches on center. The on center distance between trees may be foreshortened to allow clumping. However, no more than 3 trees may be clumped at one time. The buffer tree and hedge row may follow an undulating alignment throughout the buffer length. However, spacing and height requirements for berm and hedge may not be diminished."

is hereby amended to read as follows:

- "9. A 10' wide buffer shall be provided along the property line, between the project and the canal. The 10' wide buffer shall include a berm throughout the buffer length. The berm and hedge combination must be maintained in a 4' height throughout at least 80% of the buffer length. The berm is to be supplemented by two (2) rows of trees planted 10'-12' high, 20' on center and an 18 inch hedge planted 24 inches on center. The on center distance between trees may be foreshortened to allow clustering. However, no more than 3 trees may be clustered at one time. The buffer tree and hedge row may follow an undulating alignment throughout the buffer length. However, spacing and height requirements for berm and hedge may not be diminished."

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 4th day Of April, 1989 confirming action of January 4, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

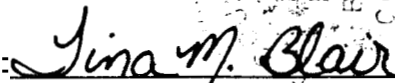
BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK

