

RESOLUTION NO. R-90-61

RESOLUTION APPROVING ZONING PETITION NO. 89-63  
SPECIAL EXCEPTION PETITION OF THE ENGLE GROUP, 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 have been satisfied; and

WHEREAS, Petition No. 89-63 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 27, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

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

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-63 the petition of THE ENGLE GROUP, INC., by Marvin L. Sanders, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT INCLUDING 13 A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF FLOOR AREA, 2] AN AUTOMOBILE SERVICE STATION (NO REPAIRS); AND 3] A CAR WASH on a parcel of land lying on a portion of Block 33, Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45 through 54, in Sections 31 and 32, Township 44 South, Range 43 East, described as follows: Commencing at the intersection of the West line of Tract 84, said Block 33, with a line that is 40.00 feet North of and parallel with the South line of said Section 31, said line being the North Right-of-way line of Lantana Road (S.R. 812): thence South 87 Degrees 57' 25" East (true bearing datum according the Right-of-way map of Lantana West Road, Section No. 9353-151, dated January, 1953) along said 40.00 foot Right-of-way line, 70.08 feet to a point which intersects said 40.00 foot Right-of-way line, with a line distant East, 70.00 feet by rectangular measurement from the said West line of Tract 84, said point being the Point of Beginning of this description; thence continue South 87 Degrees 57' 25" East along said 40.00 foot Right-of-way line, 43.55 feet: thence South 88 Degrees 04' 24" East continuing along said 40.00 foot Right-of-way line, 602.36 feet; thence North 01 Degrees 55' 36"

East, 20.00 feet to a permanent reference monument marking the Southwesterly corner of Lakes of Sherbrooke Phase 6; thence North 45 Degrees 57 Degrees 48" East along the Westerly line, 212.43 feet to a permanent reference being a point of curvature; thence Northwesterly along said Westerly line being an arc of a curve concave to the Southwest having a radius of 300.00 feet, a central angle of 31 Degrees 05' 30", an arc distance of 162.80 feet to the end of said Phase 6; thence continue Northwesterly along the arc of the same curve having a central angle of 41 Degrees 02' 51", an arc distance of 214.92 feet to a point of reverse curve, concave to the Northeast having a radius of 468.57 feet, a central angle of 44 Degrees 24' 07"; thence Northwesterly along the arc of said curve, a distance of 363.12 feet; thence departing said curve, North 68 Degrees 57' 12" West, 32.95 feet; thence South 69 Degrees 49' 49" West, 33.71 feet to a point of curvature; thence Southwesterly along the arc of curve concave to the Northwest having a radius of 266.00 feet, a central angle of 19 Degrees 32' 05", a distance of 90.69 feet; thence South 89 Degrees 21' 55" West along the tangent of said curve, 25.00 feet; thence South 44 Degrees 21' 55" West, 35.36 feet to a point on said line, distance East, 70.00 feet from the West line of Tract 84; thence South 00 Degrees 38' 05" East along said line, 707.45 feet to the Point of Beginning, being located on the northeast corner of the intersection of Lantana Road (SR 812) and Lyons Road, in a CG-General Commercial Zoning District, was approved on July 27, 1989, as advertised, subject to the following conditions:

1. Simultaneous with application for Site Plan Review Committee, the petitioner shall submit two (2) copies of a properly executed Unity of Control subject to approval by the County Attorney.
2. All outdoor lighting shall be of low intensity, shielded and directed away from adjacent properties.
3. There shall be no off premise signs permitted on site.
4. No outdoor loudspeaker system shall be permitted on site.
5. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within an enclosed loading and service area.
6. In order to avoid an incompatible appearance upon adjacent residential areas, the rear facade(s) of the Planned Commercial Development shall be given architectural treatment consistent with the front of the center.
7. No storage or placement of any stock materials, refuse, equipment or accumulated debris shall be permitted in the rear of the Planned Commercial Development.
8. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.
9. Parking of any vehicle shall not be permitted along the rear of the Planned Commercial Development except in designated spaces or loading areas.

10. Generation and disposal of hazardous effluents 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.
11. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
13. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil.
14. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C.
15. The Developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.
16. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
17. Within 90 days of approval of this project or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
  - a. The expanded intersection at Lyons Road and Lantana Road, Lyons Road, 64 feet from centerline and Lantana Road, 71.5 feet from centerline;
  - b. The construction of a right turn lane, east approach on Lantana Road at the project's entrance road. This right-of-way shall be a minimum of 100 feet in length, 12 feet in width and a taper length of 180 feet in length free of all encumbrances and

encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight **Corners**" where appropriate at intersections as determined by the County Engineer.

18. The Property owner shall construct or fund the construction at the option of the County Engineer to be included in road reconstruction projects by others of the following turn lanes:
  - a. At the project's entrance and Lantana Road a left turn lane, west approach and right turn lane, east approach;
  - b. At the project's entrance and Lyons Road a left turn lane, north approach and a right turn lane, south approach;
  - c. At the project's entrance and Rosemont Drive a left turn lane, south approach; and,
  - d. The northernmost road adjacent to this site shall be constructed as a three (3) lane section.

All concurrent with onsite paving and drainage improvements. Construction or the funding of all turn lanes shall be completed prior to the issuance of the first Certificate of Occupancy.

19. 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 \$192,540.00 (7,187 trips X \$26.79 per trip).
20. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
  - a. **No** building permits shall be issued for the project after December 31, 1991. A minimum of 18,000 square feet shall be used as general office with a maximum of 50% medical; and,
  - b. **No** more than 21,212 square feet of general retail or the traffic equivalent of 2,121 trips per day shall be issued until Lake Worth Road is widened from the Florida Turnpike to State Road 7.
21. Only one entrance/exit shall be permitted onto Lyons Road and onto Lantana Road subject to approval by the County Engineer (other than the interior roadways within Sherbrooke, PUD).

22. The Developer shall install signalization if warranted as determined by the County Engineer at Lyons Road and Lantana Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
23. The Landscape Strip along Rosemont Drive shall be upgraded with landscape plantings by:
  - a. One twelve (12) foot native canopy tree planted for each twenty lineal feet of property along Rosemont Drive: and,
  - b. Combination hedge and berm to be maintained at a minimum height of forty-two (42) inches. The hedge shall be full and planted **an** average **of** eighteen (18) inches on center.
24. A future median opening shall not be permitted on Lantana Road when this roadway is multi-laned adjacent to this site.
25. The property owner shall 4 lane Lyons Road from Lantana Road, north to a point 150 feet north of the project's entrance road onto Lyons Road, subject to approval by the County Engineer, prior to January 1, 1991.
26. The rear of the facility shall receive architectural treatment consistent with the front of the facility.
27. The service station shall be located a minimum of three-hundred (300) feet from the intersection of Rosemont Drive and Lantana Road.
28. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order: the denial **of** a Certificate of Occupancy on any building or structure: or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--	AYE
Ron Howard	--	AYE
Karen T. Marcus	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 2nd day of January, 1990 .

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

