

RESOLUTION NO. R-88-1219

RESOLUTION APPROVING ZONING PETITION NO. 87-65
SPECIAL EXCEPTION PETITION OF HAS. LAND DEVELOPMENT 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. 87-65 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 24, 1987; 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. 87-65 the petition of HAS. LAND DEVELOPMENT INC., for a SPECIAL EXCEPTION FOR A PLANNED OFFICE BUSINESS PARE on the North 192.90 feet of Tracts 13 and 14, Black 78, the Palm Beach Farm Company Plat No. 3, Section 19, Township 47, Range 42 as recorded in Plat Book 2, Page 45-54 inclusive, located on the east side of U.S. 441 (SR 7) approximately .2 miles north of 212th Street, in a CS-Specialized Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the site should be amended to reflect the following:
 - a. No signs encroaching either the required five (5) foot setback or landscape strip.

2. Concurrent with the site plan submitted for Site Plan Review Committee, the petitioner shall submit written approval from Lake Worth Drainage District to plant landscape materials and park vehicles within their canal reservation ~~or redesign~~ the site to remove the landscaping and parking from the reservation.
3. Security lighting shall be directed away from adjacent properties.
4. Since sewer service is available at the site, no septic tank shall be installed on the site.
5. Because public water service is available at the site, no well shall be installed to provide potable water on site.
6. 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 on site 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.
7. The property owner shall construct a left turn lane, north approach and a right turn lane, south approach concurrent (if such a permit can be obtained by the Florida D.O. T.) with the 4 laning of SR 7 by Rainberry of Foca. This developer shall be responsible for any change order associated with this change.
8. 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 6127,601.00 (1,588 trips X \$26.79 per trip).
9. Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional \$63,800.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$191,401.00 to be paid prior to the issuance of the first building permit or prior to December 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 **\$63,800.00** shall be credited toward the increased Fair Share Fee.

10. The petitioner shall convey to the Lake Worth Drainage District the:
 - a. west **45** feet of the north 192.9 feet of Tract 14, Block 78 according to the plat of Palm Beach Farms Company, Plat No. 3 for the required right-of-way for Equalizing Canal No. 3 and
 - b. the north **30** feet of Tracts **13, 14**, Block **78** according to the plat of the Palm Beach Farms Company, Plat No. 3 for the required right-of-way for Lateral Canal **No. 46**,by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety **(90)** days of the approval of the resolution approving this project.
11. In order to comply with the mandatory traffic performance standards the property awner shall be restricted to the following phasing schedule:
 - a. **No** building permits shall be issued ta the property owner until SR 7 has been constructed as a **4** lane section from Glades Road to the **Broward** County line plus the appropriate paved tapers.
12. Staff Condition No. **12** (not PC) which limits site to medical office only - check language. Use of the site shall be limited to medical offices only.

Commissioner Marcus, 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 -- Absent
Carol J. Elmquist -- We
Karen T. Marcus -- we
Dorothy Wilken -- Nay
Kenneth M. Adams -- Aye

The foregoing resolution was declared duly passed and adopted this 29th day of August, 1988 confirming action of July 24, 1987

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK

