

RESOLUTION NO. R-89- 704

RESOLUTION APPROVING ZONING PETITION NO. 88-83
SPECIAL EXCEPTION PETITION OF
ORLINDA DELUCA, JR. AND GLADYS V. DELUCA

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. 88-83 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 25, 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. 88-83 the petition of ORLINDO DELUCA, JR. AND GLADYS V. DELUCA, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED OFFICE BUSINESS PARK (MEDICAL OFFICES) on a parcel of land beginning at a concrete monument on the South Right-of-way line of Hypoluxo Road (also known as Hypoluxo Drive), at the point it intersects the West Right-of-way line of Washington Avenue, according to the replat of Greynolds Highlands, in Section 9, Township 45 South, Range 43 East recorded in Plat Book 18, Page 58; thence run South 1 degree 42' 17" West along the Westerly Right-of-way line of Washington Avenue for a distance of 220 feet to a concrete monument; thence run West and along a line parallel to the Southerly Right-of-way line of Hypoluxo Road 150 feet to a concrete monument; thence run North 1 degree 42' 17" East along a line parallel to the Westerly Right-of-way line of

Washington Avenue for a distance of 220 feet to a concrete monument in the South Right-of-way line of Hypoluxo Road; thence run East along the Southerly Right-of-way line of Hypoluxo Road for a distance of 150 feet to the Point-of-Beginning, being located in a CS-Specialized Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Revised tabular to indicate the forty (40) percent native tree planting requirement.
 - b. Relocate the proposed sign out of the required terminal landscape island.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
4. 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.
5. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Hypoluxo Road, 54 feet from centerline free of all encumbrances and encroachments. Petitioner 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.
6. The property owner shall construct, or cause to be

constructed, a left turn lane south approach on Washington Avenue at Hypoluxo Road concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy. Construction of this may be included in the 4-laning of Hypoluxo Road from 1-95 to US 1 at the option of the County Engineer.

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 \$7314 (273 trips X \$26.79 per trip).
8. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:
 - a) No building permits shall be issued until construction has begun for Hypoluxo Road from 1-95 to US 1 as a minimum 4-lane section.
9. No off-premise signs shall be permitted on the site.
10. Failure to comply with the conditions herein 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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Absent
Jim Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of August 25, 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

