

RESOLUTION NO. R-87-884

RESOLUTION APPROVING ZONING PETITION 86-125: Special Exception

WHEREFIS, 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

WHEREFIS, 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

WHEREFIS, Petition No. 86-125 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning authority, at its public hearing conducted on January 29, 1987; and

WHERECIS, 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 86-125, the petition of MILITARY TRAIL INVESTORS, LTD., By Robert E. basehart, Agent, for a SPECIAL EXCEPTION TO DELETE A RECREATION FACILITY AND CLUB, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 81-211 AND TO AMEND THE SITE PLAN TO ALLOW A PLANNED OFFICE BUSINESS PARK on the South 1/2 of the South 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 25, Township 46 South, Range 42 East, less the West 685 feet thereof. Together with an Ingress and Egress Easement over the following described parcel of land: The North 20 feet of the South 25 feet of the West 685

feet of the South 1/2 of the South 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 25, Township 46 South, Range 42 East, less the right-of-way for Military Trail. Said property located approximately 650 feet East of Military Trail (S.R. 809) and approximately .3 mile south of Germantown Road (Linton Boulevard) was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a. required number of handicap parking spaces.
2. Prior to site plan certification, the petitioner shall provide a copy of the recorded access easement from this property to Military Trail, subject to the County Engineer's approval.
3. The developer shall preserve existing vegetation, particularly the oaks and sabal palms and shall incorporate said vegetation into the project design. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to site plan certification.
4. 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 85% of the stormwater runoff generated by a three (3) year-one 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 as determined by the County Engineer 'this matter will be reviewed by the Code Enforcement Board for enforcement.
5. 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 \$23,147.00 (864 trips X 326.79 per trip).
6. Property owner shall construct a left turn lane, east approach at the project's entrance road on Military Trail.
7. Prior to site plan certification, the petitioner shall resolve the issue of use of off-site drainage canals for discharge to the satisfaction of the County Engineer and County Attorney.
8. Prior to site plan certification, the petitioner shall submit a site plan to the City of Delray Beach for review and comment. Site plan review committee shall have the authority to amend the site plan to incorporate the suggestions of the City of Delray Beach to the extent of it's legal authority.

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

Carol A. Roberts	--	Aye
Jerry L. Owens	--	Aye
Karen T. Marcus	--	Nay
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Absent


The foregoing resolution was declared duly passed and adopted this 23rd day of June, 1987 confirming action of January 29, 1987.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK.

BY: Jina M. Eldering
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



County Attorney