

RESOLUTION NO. R-88-1231

RESOLUTION APPROVING ZONING PETITION NO. 87-68
SPECIAL EXCEPTION PETITION OF A. V. KACHADURIAN, TRUSTEE

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. 87-68 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, 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. 87-68, the petition of A. V. KACHADURIAN, TRUSTEE, for a SPECIAL EXCEPTION TO ALLOW A PLANNED OFFICE BUSINESS PARK on Lot 29 Square Lake in Section 24, Township 42 South, Range 42 East. LESS the East 10 feet for road Right-Of-Way, located on the west side of Military Trail (SR 809), approximately .3 miles north of Silver Beach Road, in a CS-Special Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. Alternative perimeter landscaping strip number three (3) along the west property line. A six (6) foot high wooden fence shall be included in this landscaping strip.

- b. Landscaping **located out of** easements, or **release will be obtained** from the easement **holder(s)**.
 - c. **Minor redesign to the parking area** on the west **side of the site in order to preserve vegetation**.
2. The **developer shall preserve existing vegetation, particularly along the western portion of site, adjacent to the RS zoned development, 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 master plan and/or site plan certification.**
 3. The rear facade of the **office building shall be architecturally consistent with the front to avoid an incompatible appearance to neighboring properties.**
 4. **Security lighting shall be directed away from adjacent properties and streets, shining only on the subject site.**
 5. The **application and engineering plans, calculations etc. to construct a well must be submitted to the Health Department prior to site plan approval (or prior to issuance of building permit for straight rezoning).**
 6. Property owner **shall align** this project's entrance **in accordance with** the County Engineer's approval.
 7. 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 **Fermit 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.**
 8. The property owner **shall convey for the ultimate right-of-way of Military Trail, 60 feet from centerline within 90 days of the approval of the Resolution approving this project.**
 9. The property owner **shall construct a left turn lane, south approach on Military Trail 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 **\$4,768.00 (178 trips X \$26.79 per trip)**.
11. No **medical offices** shall be **permitted** on the **site**.
12. **In** order to **comply with the** mandatory traffic performance standards the property owner **shall** be **restricted to the following phasing schedule:**
 - a. **Building permits** for no more than 4,950 square feet of **gross leasable floor area** shall be issued **until Military Trail 1** has been constructed as a 4 lane **section** from **Northlake Boulevard** to **Blue Heron Boulevard** **plus the** appropriate paved tapers.
13. **Prior to site plan certification, petitioner shall file a declaration of restrictions satisfactory to the Health Department that may preclude additional land uses permitted in this zoning district incompatible with a septic system.**
14. Petitioner agrees **to discontinue use** of the **septic system** and connect to a **public sewer system** when an **appropriate sewer line** is constructed near the **site**. **Feasibility of connection shall be determined** by the Health Department.


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

Carol A. Roberts -- Absent
Carol J. Elmquist -- **We**
Karen T. Marcus -- **b e**
Dorothy Wilken -- **We**
Kenneth M. Adams -- Absent

The **foregoing resolution** was declared **duly** passed and adopted **this 9th day** of August, 1988 confirming **action** of **July 27, 1987**

AFFROVED 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

