

RESOLUTION NO. R-89-711
RESOLUTION APPROVING ZONING PETITION NO. 76-170(C)
MODIFICATION OF COMMISSION REQUIREMENTS
WITH A SPECIAL EXCEPTION
PETITION OF PLAZA AT TOWNE CENTER JOINT VENTURE

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. 76-170(C) 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 and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 76-170(C) the petition of PLAZA AT TOWNE CENTER JOINT VENTURE, by Robert E. Basehart, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS WITH A SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED OFFICE BUSINESS PARK TO INCREASE THE BUILDING SQUARE FOOTAGE AND REDESIGN THE SITE, on a parcel of land lying on all of Plat No. 2 Arvida Business Plaza, according to the Plat thereof, in Section 23, Township 47 South, Range 42 East as recorded in Plat Book 39, Page 158, being located on the south side of Town Center Road, bounded on the east by Military Trail (SR 809), in a CS-Specialized Commercial Zoning District, was approved subject to the following conditions:

1. The developer shall comply with all previous conditions

of approval, unless expressly modified herein.

2. Condition No. 4 of Zoning Petition No. 76-170(A) which presently states:

"4. Tract 3 shall remain undeveloped and shall remain part of this development since its gross acreage is used in calculating the lot area ratio."

Is hereby deleted.

3. Condition No. 5 of Zoning Petition No. 76-170(A) which presently states:

"5. Prior to site plan certification, the property owner shall record a Unity of Title for Tracts 1 and 3."

Is hereby deleted.

6. Affidavit of notification of Wellfield Protection Ordinance restrictions shall be executed prior to approval. An analysis of development plans shall also be conducted by the petitioner indicating:

- a. Locations and types of businesses proposed;
- b. Wellfield zones; and
- c. Measures to be utilized to comply with Wellfield Protection Ordinance.

7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

- a. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

9. Condition No. 14 of Zoning Petition No. 76-170(A) which presently states:

"14. The developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements" as it presently exists or as it may be from time to time be amended. The Fair Share Fee for this project presently is \$59,045.00 (2,204 trips x \$26.79 per trip."

Is hereby deleted.

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.

11. Prior to site plan certification, the petitioner shall record Unity of Control documents, covering the entire site, subject to approval by the County Attorney.
12. Petitioner shall abandon the existing plat of record and replat the existing site.
13. Petitioner shall incorporate into the new plat a thirty (30) foot access easement from Military Trail to Town Center Road.
14. The parking garage shall not exceed six (6) stories in height.
15. The petitioner shall make application to the Board of Adjustment to reduce the parking requirement for Tract 1 (the general office building) from 5 parking spaces per 1,000 square feet of leasable floor area to 4 parking spaces per 1,000 square feet. If the parking requirement reduction is granted, the petitioner shall eliminate the appropriate number of surface parking spaces (approximately 182) and retain such area as an open space preservation area in perpetuity to be generally in conformance with Exhibit No. 69.
- 16.a The petitioner shall relocate all possible pine trees and scrub oak from areas of Tract 1 to be developed, into the preservation area and shall eradicate prohibited invasive species from those preservation areas.
- 16.b The areas of existing canopy and understory vegetation as shown on Exhibit No. 69 shall be protected and maintained as a natural preserve in perpetuity. The construction of a low-impact nature trail through the preserve and the placement of picnic facilities or seating adjacent to the preserve will be consistent with this objective. These facilities shall be designed to minimize any impacts on the preserve.
- 16.c All native vegetation that is located in the proposed parking and building pad areas that is transplantable shall be relocated on the site. The relocated vegetation shall be transplanted to the following areas: the previously burned area around the perimeter: vegetation islands at the ends of parking aisles: vegetation areas between parking stalls or rows: areas cleared of exotic vegetation: northern and southern entryways: building perimeter: and other open areas.
- 16.d The transplantation receiving area of the burned portion

of the site shall be limited to the outer edge of the burned area on Tract 1. This area shall be restored with native vegetation from the site that otherwise would be destroyed. The revegetation is limited to that necessary to provide a visual buffer to the burned areas. The remainder of the burned area to be preserved shall be allowed to naturally revegetate. Construction equipment and other vehicles shall not be permitted to encroach into the burned area.

- 16.e All preservation and landscaped areas shall be continually and appropriately maintained to prevent the re-establishment of invasive and prohibited exotic plant species.
- 16.f Prior to clearing or grubbing of the site, the petitioner shall take appropriate measures to assess if there are species on site listed with the Game and Fresh Water Fish Commission that are endangered, threatened or considered species of special concern. If such species are found, the Game and Fresh Water Fish Commission shall be contacted and the developer shall take appropriate measures to relocate and protect them.
- 17. The petitioner shall convey to Lake Worth Drainage District the west 2.5 feet of the subject parcel, per the survey submitted for the required right-of-way for the E-3 Canal, by way of an Easement Deed or Quit Claim Deed, within ninety (90) days of adoption of the resolution approving this petition.
- 18. 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.

Commissioner Marcus 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	--	Aye
Dorothy Wilken	==	Absent
Jim Watt	==	Absent

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

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

