

RESOLUTION NO. R-89- 730

RESOLUTION APPROVING ZONING PETITION NO. 88-46
SPECIAL EXCEPTION PETITION OF
THE SCHOOL BOARD OF PALM BEACH COUNTY

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. 88-46 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 28 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. 88-46 the petition of THE SCHOOL BOARD OF PALM BEACH COUNTY, by Agustin A. Hernandez, Agent, for a SPECIAL EXCEPTION TO PERMIT GOVERNMENT SERVICES AND ACCESSORY BUILDINGS AND STRUCTURES, IF APPROVED, THIS PETITION WILL EXTINGUISH THE SPECIAL EXCEPTION FOR A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA, INCLUDING A PLANNED COMMERCIAL DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-97 on a parcel of land lying on the North 445.00 feet of the East 1/4 of Lot 5, Block 4 and the North 445.00 feet of Lot 6, Block 4, Palm Beach Plantations, in Section 7, Township 44, Range 43, as recorded in Plat Book 10, Page 20. less the North 60.00 feet measured at right angles, for Right-of-way of Forest Hill Boulevard, being located on the south side of Forest Hill Boulevard, approximately .1 mile east of Davis Road, in a CG-General 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. Frontage dimension along Forest Hill Boulevard:
and
 - b. Perimeter dimensions for the "seven (7) acre parcel".
2. At a minimum, landscape shall be installed as indicated on Exhibit **No. 22**, Sheet **1**.
3. The developer shall comply with all provisions of the existing Interlocal Agreement concerning development of the parcel to the south.
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:
 - a) Forest Hill Boulevard, **60** feet from centerline
 - b) the construction of a right turn lane west approach on Forest Hill Boulevard at the project entrance road. This right-of-way shall be a minimum of **12** feet in width, **100** feet in length with a taper length of **180** feet.
 - c) an additional **30** feet for Tucker Road.

All free of 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.

Palm Beach County may at its option incorporate any of the required improvements into current road construction projects in the area.

6. The property owner shall construct or cause to be constructed:
 - a) right turn lane west approach and a left turn lane east approach on Forest Hill Boulevard at the project's entrance road. The right turn lane shall include curb and gutter plus any drainage modifications concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of any Certificates of Occupancy.
7. The property owner shall convey to Palm Beach County within 90 days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Forest Hill Boulevard along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Forest Hill Boulevard. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.
8. The property owner shall install signalization if warranted as determined by the County Engineer at Forest Hill Boulevard and the project's entrance road and Forest Hill Boulevard and Davis Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
9. Prior to site plan certification by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.
10. Use of the site shall be limited to accessory accessways and parking for the Palm Beach County School Board's Administrative Complex. No commercial uses

shall be permitted on the site.

11. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
13. All graphics presented at the public hearing shall be submitted and become part of the permanent record for this petition.
14. No off-premise signs shall be permitted on the site.
15. 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 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	--	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 July 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

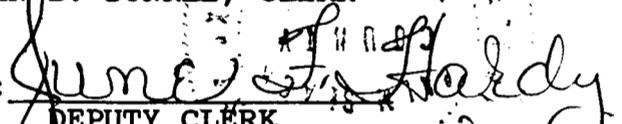
BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

