

RESOLUTION NO. R-89-1161

RESOLUTION APPROVING ZONING PETITION NO. 85-95(B)
SPECIAL EXCEPTION PETITION OF BERNSTEIN-GLADES ASSOCIATES, LTD.

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. 85-95(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 29, 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. 85-95(B) the petition of BERNSTEIN-GLADES ASSOCIATES, LTD., by Robert P. Natapow, Agent, for a SPECIAL EXCEPTION TO FOR A PLANNED OFFICE BUSINESS PARK (THIS APPROVAL EXTINGUISHES THE SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-95(A)) on a parcel of land lying on Tract 93, less the West 150.00 feet and less the South 40.00 feet and Tract 94, less the East 60.00 feet and less the South 40.00 feet of Block 77, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Page 53, located in Section 10, Township 47 South, Range 42 East, being located on the north side of Glades Road (SR 808), approximately .1 mile west of Lyons Road, in a CS-Specialized Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions unless expressly modified herein.

2. Prior to certification, the site plan shall be amended to indicate the following:
 - a) Additional preservation areas, specifically North of the area labeled "Existing Hammock to Remain".
3. Simultaneously with Site Plan Review Committee application submittal, the petitioner shall provide a loading demand statement as outlined in Section 500.19 of the Zoning Code.
4. The petitioner shall submit an Alternative Landscape Betterment Plan at the time of Site Plan Review Committee submittal to allow flexibility in the relocation of interior landscape islands which will allow for the preservation of more slash pines, cypress and understory vegetation.
5. The vegetation, specifically; "native slash pine and cypress" which are located in clusters shall be incorporated into the project design. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code during the site development and construction phase.
6. In order to avoid an incompatible appearance upon adjacent residential areas, the rear facade(s) of the Planned Commercial Development shall be given architectural treatment consistent with the front of the center.
7. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
8. No storage or placement of any stock materials, refuse, equipment or accumulated debris shall be permitted in the rear of the Planned Commercial Development.
9. No off premise signs shall be permitted on site.
10. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
11. Water service is available to the property. Therefore, no well shall be permitted on *the* site to provide potable water.
12. **The** petitioner 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.

13. The petitioner 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, based upon the number of approved trips, is \$87,362.00 (3,261 trips X \$26.79 per trip). Credit for funds already paid under check number 1129 shall be given.
14. In order to comply with the mandatory traffic performance standards the petitioner shall be restricted to use of the site as medical/professional office use only. No general commercial uses shall be permitted.
15. 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.
16. Failure to comply with any conditions of approval 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.
17. The term existing vegetation refers to both canopy and understory.
18. Structures on site shall be limited to a maximum of three (3) stories in height. The atrium structure shall not exceed a maximum height of fifty-five (55) feet.

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

Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 13th day of June, 1989 confirming action of December 29, 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

