

RESOLUTION NO. R-89-2227

RESOLUTION APPROVING ZONING PETITION NO. 89-33  
SPECIAL EXCEPTION PETITION OF MICHAEL BENDE

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 have been satisfied; and

WHEREAS, Petition No. 89-33 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 29, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-33 petition of MICHAEL BENDE, by Charles Putnam, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED OFFICE BUSINESS PARK on a parcel of land lying on Tract 1, less the South 393.66 feet thereof, Section 20, Township 46 South, Range 42 East, Palm Beach Farms Company Plat No. 1, Plat Book 2, Pages 26 through 28 inclusive, being located on the south side of Delray West Road (SR 806), approximately .75 mile east of Florida's Turnpike (Sunshine State Parkway) in a CS-Specialized Commercial Zoning District, was approved on June 29, 1989, as advertised, subject to the following conditions:

1. No off-premise signs shall be permitted on site and the existing off-premise sign shall be removed prior to receiving a building permit.
2. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.

3. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
4. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
5. No access to site shall be permitted onto West Atlantic Avenue.
6. 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.
7. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for West Atlantic Avenue, 60 feet from centerline free of all encumbrances and encroachments. Property owner 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.
8. The Property owner shall not be issued a Building Permit until construction has begun for a left turn lane, east approach on West Atlantic Avenue at the project's entrance road. This construction was the obligation of Bende Planned Unit Development. No Certification of Occupancy shall be issued until this construction has been completed.
9. The site plan shall not be approved until the petitioner:
  1. Submits a recorded cross access agreement which permits access from East Tranquility Lakes Drive to the commercial parcel, to the east: and
  2. Demonstrates that the necessary improvements to East Tranquility Lakes Drive can be designed and constructed.
10. 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 presently is \$28,665.00 (1,070 trips x \$26.79 per trip).

11. The property owner shall convey to the Lake Worth Drainage District that part of Tract 1, Block 20 Palm Beach Farms Company Plat No. 1 lying within the east 70 feet of Section 20 for the required right-of-way for Equalizing Canal No. 2E, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project.
12. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:

Building permits for more than 19,500 square feet gross leasable floor area shall not be issued until construction has begun for West Atlantic Avenue from Jog Road to Hagen Ranch Road as a minimum 6 lane section currently scheduled for construction in 1991-92 by Florida Department of Transportation plus the appropriate paved tapers.
13. The site shall be limited to an office and medical complex.
14. The site plan shall be amended to incorporate a three (3) foot planting area between the canal easement and adjacent parking lot.
15. The landscape strips along the perimeter of the site shall be upgraded to include twelve (12) foot native canopy trees. The eastern landscape strip shall include one twelve (12) foot native canopy tree for each twenty (20) linear feet. The hedge along this property line shall be maintained at a minimum height of 3.5 feet.
16. Prior to certification, the site plan shall be amended to indicate a twenty (20) foot utility easement along the west side of the seventy (70) foot Lake Worth Drainage District easement on the east side of the site.
17. Simultaneous with Site Plan Review Committee application, the petitioner shall submit all developers agreements subject to approval by the County Attorney prior to Site Plan Certification.
18. Prior to Site Plan Certification, the petitioner shall obtain Utility Release Agreements allowing for the placement and construction of parking and landscape within the twenty (20) foot utility easement on the east portion of the site.
19. Replat the entrance road to Babcock Planned Unit Development to provide for a minimum of 80 feet of right-of-way (not an access easement) from West Atlantic Avenue to the project's south property line, prior to the issuance of a building permit.

20. 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.

Commissioner Roberts moved for approval of the Resolution.

The motion was seconded by Commissioner Phillips and, upon being put to a vote, the vote was as follows:

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

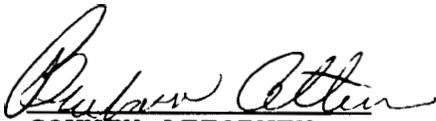
The Chair thereupon declared the resolution was duly passed and adopted this 12th day of December, 1989.

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