

RESOLUTION NO. R-90- 816

RESOLUTION APPROVING ZONING PETITION NO. 84-99(C)
SPECIAL EXCEPTION PETITION OF MISSION BAY PLAZA ASSOCIATES

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. 84-99(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 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. 84-99(C), the petition of MISSION BAY PLAZA ASSOCIATES, BY ROBERT E. BASEHART, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PREVIOUSLY APPROVED PLANNED COMMERCIAL DEVELOPMENT TO INCREASE THE BUILDING SQUARE FOOTAGE on a parcel of land lying in Mission Bay Plaza, Plat Book 49, pages 160-162; also, a portion of the 30.00 foot right-of-way, Florida Fruit Lands Company's Subdivision No. 2 of Section 13, Township 47 South, Range 41 East, abandoned per Resolution No. R-84-1932, Official Record Book 4438, pages 1770-1773; commencing at the most Northerly Northeast corner of Tract A, the plat of said Mission Bay Plaza, thence South 00 degrees 51'43" East, a distance of 560.64 feet, thence South 01 degree 06'06" West, a distance of 36.68 feet to the Point of Beginning, the last two courses being coincident with the East boundary of Tract A of said Mission Bay Plaza, thence continue South 01 degree 06'06" West, a distance of 30.01 feet, thence South 89 degrees 47'02" West, a distance of 1062.72 feet to the West boundary of said Mission Bay Plaza, thence along said West boundary North 12 degrees 51'43" West, a distance of 30.75 feet, thence North 89 degrees 47'02" East a distance of 1070.15 feet to the Point of Beginning, being located on the Northwest corner of the intersection of U.S. Highway 441 (SR 7) and Boca Raton West Road Extension (SR 808), in a CG-General Commercial Zoning District, was approved on November 30, 1989 as advertised, subject to the following conditions:

1. All previous conditions of approval shall apply unless expressly modified herein.
2. The petition shall be limited to a maximum of **278,968** square feet which may not be increased through Site Plan Review Committee.
3. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
4. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
5. The Developer 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 proposed expansion is **\$4,290.00** (78 additional trips X **\$55.00** per trip).
6. The petitioner shall comply with all current Landscape Code tree planting requirements.
7. Landscaping shall be upgraded to conform to Exhibit **68** (Landscape Plan A) within **180** days of Board of County Commissioners approval (**11/30/89**).
8. All trees within the Planned Commercial Development shall be allowed to reach a minimum height of fifteen (**15**) feet and shall be maintained at a height of no less than fifteen (**15**) feet.
9. All additional trees shall be native canopy trees a minimum ten (**10**) feet in height.
10. 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 Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of May, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

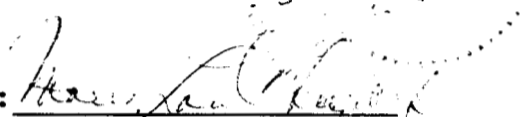
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK