

RESOLUTION NO. R-90-1295

RESOLUTION APPROVING ZONING PETITION NO. 76-170(D)  
SPECIAL EXCEPTION PETITION OF PLAZA AT TOWN CENTRE JOINT VENTURE  
BY ROBERT E. BASEHART, AGENT

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. 76-170(D) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 22, 1990; 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. 76-170(D), the petition of PLAZA AT TOWN CENTRE JOINT VENTURE, BY ROBERT E. BASEHART, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED OFFICE BUSINESS PARK TO INCLUDE A FINANCIAL INSTITUTION, AND THREE (3) DRIVE UP TELLER WINDOWS on a parcel of land being a portion of Tracts 1 and 2, Plat No. 2, ARVIDA BUSINESS PLAZA, Plat Book 39, page 158, described as beginning at the Northwest corner of said Tract 2; thence North 89 Degrees 36'01" East along the Northerly boundary of said Tract, a distance of 301.30 feet; thence South 00 Degrees 23'59" East, a distance of 100.00 feet; thence North 89 Degrees 36'01" East, a distance of 223.70 feet; thence South 00 Degrees 23'59" East, a distance of 215.00 feet; thence South 89 Degrees 36'01" West, a distance of 207.00 feet; thence South 00 Degrees 23'59" East, a distance of 157.00 feet; thence South 89 Degrees 36'01" West, a distance of 318.00 feet; thence North 00 Degrees 23'59" West along the Westerly boundary of said Tract 2, a distance of 472.00 feet to the POINT OF BEGINNING, and being located on the

south side of Town Center Road, bounded on the east by Military Trail, in the CS-Specialized Commercial Zoning District, was approved on February 22, 1990 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified, herein.
2. Prior to certification, the site plan shall be amended to indicate the following:
  - a. Total number parking spaces provided beneath the 1st floor of the Med Plex Medical Office Building.
  - b. The dimensions for the entrance, exit points of the proposed site.
3. Petitioner shall abandon the existing plat of record and replat the existing site, in accordance with Platting Regulations (Ordinance 73-4) if the property lines are modified.
4. At the time of Site Plan Review application, two (2) copies of a Unity of Control Agreement shall be submitted for the subject property. This agreement shall be in a form acceptable to the County Attorney prior to Site Plan Review Committee approval.
5. 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.
6. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
8. 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 on site 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.

9. The Property owner shall construct a right turn lane, north approach on Military Trail at the project's entrance road concurrent with on site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
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. The Fair Share Fee for this project presently is \$10,285.00 (187 additional trips X \$55.00 per trip).
11. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
  - a. 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; and/or
  - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
  - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Howard 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 7th day of August, 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

