

RESOLUTION NO. R-90- 1306

RESOLUTION APPROVING ZONING PETITION NO. 88-83(A)
SPECIAL EXCEPTION PETITION OF OLINDA DeLUCA, JR.
BY KIERAN J. KILDAY, 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. 88-83(A) 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. 88-83(A), the petition of OLINDA DeLUCA, JR., BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A MEDICAL OFFICE TO INCREASE LAND AREA on a parcel of land beginning at a concrete monument on the South right-of-way line of Hypoluxo Road, at the point it intersects the West right-of-way line of Washington Avenue, replat of Greynolds Highlands, Plat Book 18, Page 58; Thence run South 1 Degree 42'17" West along the Westerly right-of-way line of Washington Avenue for a distance of 220.00 feet to a concrete monument; Thence run West and along a line parallel to the Southerly right-of-way line of Hypoluxo Road 150.00 feet to a concrete monument; Thence run North 1 Degree 42'17" East along a line parallel to the Westerly right-of-way line of Washington Avenue for a distance of 220.00 feet to a concrete monument in the South right-of-way line of Hypoluxo Road; Thence run East along the Southerly right-of-way line of Hypoluxo Road for a distance of 150.00 feet to the point of beginning; TOGETHER WITH: Lots 25 and 26, HYPOLUXO RIDGE, according to the plat thereof, as recorded in Plat Book 22, Page 48, Section 9, Township 45 South,

Range 43 East, and being located on the south side of Hypoluzo Road, east and west sides of Washington Avenue in a 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. The parking area east of Washington Avenue shall be used for employee parking only. Appropriate signage shall be posted restricting this area to employee parking only.
3. Landscaping along the eastern property line of the .29 acre parcel shall be upgraded to include:
 - a. Twelve (12) foot high native canopy trees twenty (20) feet on center and a seventy-two (72) inch landscape barrier. The barrier may consist of a hedge, wall, fence, berm or any combination thereof.
4. Landscaping along the southern and western property lines of the .29 acre parcel shall be upgraded to include:
 - a. Ten (10) foot high native canopy trees twenty-five (25) feet on center and a thirty-six (36) inch tall hedge.
5. No point of purchase signage shall be permitted on the eastern .29 acre parcel.
6. Security lighting shall be provided and be no greater than fifteen (15) feet in height and directed away from adjacent residential properties with house side shields.
7. The petitioner shall submit with the Site Plan Review Committee application two (2) executed copies of a Unity of Title covering the two (2) parcels. This document shall be in a form acceptable to the County Attorney prior to site plan certification.
8. No parking or pavement shall be permitted within twenty (20) feet of the eastern property line.
9. No access shall be permitted onto James Road from the eastern .29 acre site.
10. The petitioner shall provide a striped crosswalk (subject to Engineering Department approval) and paved pedestrian access from the right-of-way through the western landscape strip.
11. An Affidavit of Notification must be executed by site plan certification.
12. 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.

13. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
14. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
15. 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.
16. Prior to July 1, 1990 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Hypoluxo Road, 55 feet from centerline free of all encumbrances and encroachments. Developer 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.
17. When this facility is not open, the eastern parking area shall be locked and gated.
18. 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

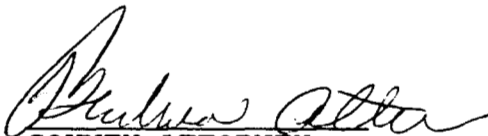
The Chair thereupon declared the resolution was duly passed and adopted this 7th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

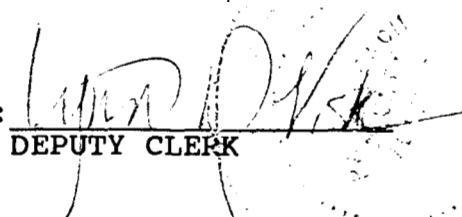
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK.....

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK