

RESOLUTION NO. R-88-1210

RESOLUTION APPROVING ZONING PETITION NO. 76-170(A)
SPECIAL EXCEPTION PETITION OF MILITARY/TOWN CENTER PROPERTY, INC.

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. 76-170(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 24, 1987; 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. 76-170(A) the petition of MILITARY/TOWN CENTER PROPERTY, INC., for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED PROFESSIONAL OFFICE BUSINESS PARK, INCLUDING BUT NOT LIMITED TO THE FOLLOWING USES: MEDICAL-DENTAL OFFICES, CLINIC, LABORATORIES, SURGICAL CENTER, EXTENDED CARE CENTER AND ACCESSORY AREAS & FACILITIES, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 76-170 ON DECEMBER 2, 1976 (R-76-1168, ADOPTED ON DECEMBER 14, 1976), TO 1) REDESIGN THE SITE, AND 2) INCLUDE GENERAL OFFICES on Tracts 1 and 3, Flat No. 2, "Arvida Business Plaza" in Section 23, Township 47 South, Range 42 East as recorded in Plat Book 59, Page 158, located on the southwest corner of the intersection of Military Trail Extension (SR 809) and Town Center Road, in a CS-Specialized Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. Landscaping located out of easements, or written permission from the easement holder shall be submitted to the Zoning Division.
 - b. Approved development on Tract 2 of the site.
3. The developer shall preserve existing pine vegetation within perimeter landscape strips and interior landscape areas and shall incorporate said vegetation into the project design. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to master plan and/or site plan certification.
4. Tract 3 shall remain undeveloped and shall remain a part of this development since its gross acreage is used in calculating the lot area ratio.
5. No off-premise signs shall be allowed on this site.
6. Security lighting shall be directed away from adjacent properties and streets, shining only on the subject site.
7. Use of this Planned Office Business Park shall be limited to professional offices and other permitted uses within the CS-Specialized Commercial Zoning District. No medical offices shall be permitted on Tracts 1 and 3 in order to limit traffic impacts to those in the petitioner's revised traffic analysis.
8. Since sewer service is available to the property, septic tank shall not be approved for use on said property.
9. Since water service is available to the property, a well shall not be approved for use on said property.
10. Access to this entire site from Military Trail shall be limited to the existing recorded 30 foot ingress/egress easement.
11. The developer shall retain 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

three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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.

12. The property owner shall construct at the project's entrance road and Military Trail a right turn lane, north approach concurrent with onsite paving and drainage improvements.
13. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of Military Trail along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Military Trail. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff.
14. 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 project presently is \$59,045.00 (2,204 trips X \$26.79 per trip).
15. Prior to site plan certification the property owner shall record a Unity of Title for Tracts 1 and 3.
16. Limited access or valet parking shall be restricted to the amount of parking in excess of minimum code requirements. The public at large shall not be prohibited from using the parking structure.

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

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Absent

The foregoing resolution was declared duly passed and adopted this 9th day of August, 1988 confirming action of July 24, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


BY:


COUNTY ATTORNEY

FALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

