

RESOLUTION NO. R-90-56

RESOLUTION APPROVING ZONING PETITION NO. 89-65  
SPECIAL EXCEPTION PETITION OF THEODORE E. DAVIS

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. 89-65 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 27, 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. 89-65 the petition of THEODORE E. DAVIS, by Donaldson E. Hearing, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED OFFICE BUSINESS PARK on a parcel of land lying on Lots 25, 26 and 27, Square Lake, Plat Book 23, page 141, excepting therefrom the Easterly 10.00 feet of said lot conveyed to the State of Florida in Official Record book 2651, at page 1889, Section 24, Township 42 South, Range 42 East, being located on the west side of Military Trail (SR 809), approximately .5 mile south of Northlake Boulevard, in a CS-Specialized Commercial Zoning District, was approved on July 27, 1989, as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be revised to reflect two (2) native canopy trees in all of the five (5) by forty (40) foot landscape islands.
2. Alternative landscape strip number 1 shall be installed along the western property. A six (6) foot concrete block wall, with equal architectural treatment on both sides shall be used. This wall shall be a minimum of six (6) feet in height above finished floor elevation. Minimum landscape

requirements shall be upgraded to twelve (12) foot tall native canopy trees twenty (20) feet on center and one native palm per twenty (20) linear feet. Existing vegetation may be credited toward this requirement.

or

The petitioner may install alternative Landscape Strip No. 3 along the western property line. This strip shall include the following:

- a. A forty-eight (48) inch berm;
  - b. Fourteen (14) foot tall native canopy trees, planted twenty (20) feet on center;
  - c. One (1) native palm for each thirty (30) lineal feet; and,
  - d. Thirty-six (36) inch tall native understory plants, planted an average of twenty-four (24) inches on center.
3. There shall be no storage of debris, equipment, or materials along the rear of the center.
  4. The western facade of the building shall receive equal architectural treatment with the front of the center.
  5. All lighting shall be low intensity and directed away from surrounding residential land uses through the use of house side shields.
  6. All structures shall be limited to a maximum of twenty-five (25) feet in height.
  7. All mechanical equipment shall be roof mounted and appropriated screened.
  8. There shall be no vehicular circulation permitted in the rear yard.
  9. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
  10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
  11. 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.

12. 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 \$13,770.00 (514 trips X \$26.79 per trip).
13. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
  - a. No building permits shall be issued until construction has begun for Military Trail as a 4/6 lane section from Northlake Boulevard to Blue Heron Boulevard plus the appropriate paved tapers: and,
  - b. No more than 6,000 square feet of the center may be utilized for medical offices.
14. No off premise signs shall be permitted on site.
15. Building height shall be limited to twenty-five (25) feet.
16. The petitioner shall provide a minimum of one (1) native canopy tree for each twenty (20) lineal feet of the property line along Military Trail. These trees shall be a minimum of twelve (12) feet in height.
17. 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 End, upon being put to a vote, the vote was as follows:

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

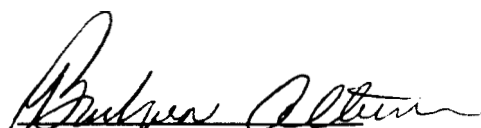
The Chair thereupon declared the resolution was duly passed and adopted this 2nd day of January, 1990.

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

