

RESOLUTION NO. R-90- 586

RESOLUTION APPROVING ZONING PETITION NO. 89-69
SPECIAL EXCEPTION PETITION OF GRACE ROMA
BY DENNIS P. KOEHLER, 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. 89-69 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 26, 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. 89-69 the petition of GRACE ROMA, BY DENNIS P. KOEHLER, AGENT, for a SPECIAL EXCEPTION TO PERMIT A PLANNED OFFICE BUSINESS PARK, Lots 114 to 125, inclusive, and the East 21.7 feet, of Lot 126; except that part taken for Lantana Road and less the South 40.00 feet thereof, Lake Osborne Subdivision, Hiatus Tract 37, Township 44 1/2 South, Range 42 East, recorded in Plat Book 9, Pages 42 and 43, being located at the Southwest corner of the intersection of Lantana Road (SR 812) and Lawrence Road. It is bounded on the South by Lake Worth Drainage District Lateral Canal No. 16, in a CS-Specialized Commercial Zoning District, was approved on October 26, 1989 as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee submittal, the site development plan shall be amended to satisfy all minimum development regulations and land development requirements.

2. Prior to Site Plan Review Committee submittal, the site plan shall be amended to indicate the **following**:
 - a. Perimeter Landscape No. 1, along the west and south property line or Perimeter Landscape No. 3 upgraded to a twenty-five (25) foot landscape strip with a six (6) foot high berm and hedge combination. Either of these landscape strips shall be supplemented with twelve (12) foot high minimum, native canopy trees planted twenty-five (25) feet on center; and,
 - b. A thirty-six (36) inch high continuous hedge, twelve (12) foot high, minimum, native canopy trees within required landscape strips along Lantana and Lawrence Road.
3. Lighting shall be low intensity, shielded and directed away from residential properties and **rights-of-way**.
4. Off premise signs shall not be permitted on site.
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 **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.

9. Prior to February 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:
 - a. Lantana Road, 71.5 feet from centerline; and,
 - b. Lawrence Road, 41.53 feet from centerline. Both right-of-ways shall be in accordance with Palm Beach County's Typical Expanded Intersection detail

All free of encumbrances and encroachments. Property owner 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.

10. The Property owner shall construct a left turn lane, east approach on Lantana Road at the project's **west** entrance road concurrent with **onsite** paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
11. 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.
12. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.
13. The site shall be limited to 66,000 square feet of net leasable professional offices, a maximum thirty (30) feet in height.
14. The petitioner shall voluntarily annex into the city of Lantana at the time the property becomes contiguous to the City boundaries.
15. 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 Phillips 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	-- ABSENT
Carol Roberts	-- AYE
Ron Howard	-- AYE
Carole Phillips	-- AYE

The Chair thereupon declared the resolution was duly passed and adopted this 3rd day of April I 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