

RESOLUTION NO. R-90-85I

RESOLUTION APPROVING ZONING PETITION NO. 89-111  
SPECIAL EXCEPTION PETITION OF MARJORIE W. INGRAM  
BY DEBBY O'CONNELL, 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. 89-111 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 28, 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. 89-111, the petition of MARJORIE W. INGRAM, BY DEBBY O'CONNELL, AGENT, for a SPECIAL EXCEPTION TO PERMIT A PLANNED OFFICE BUSINESS PARK on a parcel of land lying in Section 34, Township 45 South, Range 43 East, beginning at a point in the Westerly right-of-way line of State Road No. A-1-A; Said Westerly right-of-way line being parallel to, and 38.00 feet Westerly from the East line of the West 1/2 of the Northwest 1/4 of said Section 34, and said point of beginning being 1066.33 feet Northerly, measured along said Westerly right-of-way line from the South line of said West 1/2 of the Northwest 1/4 of Section 34, and 1529.33 feet Southerly measured along said Westerly right-of-way line, from the North line of said West 1/2 of the Northwest 1/4 of Section 34, thence North 02 Degrees 27'30" East, along said Westerly right-of-way line, the South line of said West 1/2 of the Northwest 1/4 of Section 34 is assumed to bear East and West, all bearings relative thereto, a distance of 50.00 feet; thence West a distance of 82.00 feet; thence South 02 Degrees 27'30" West, a distance of 50.00 feet; ,thence East, a distance of 82.00 feet to the POINT OF BEGINNING, being located on the West side of State Road A1A (Ocean Boulevard), approximately 1.12 mile South of Boynton Beach Boulevard, a/k/a Ocean Avenue (SR 804), in a CS-

Specialized Commercial Zoning District, was approved on December 28, 1989 as advertised, subject to the following conditions:

1. Prior to commencing use of the site for commercial purposes, the following variance shall be approved or the site be redesigned to meet minimum requirements:

Parking

- A. Minimum parking requirements (Section 500.17K).
- B. Sufficient room to permit vehicles to leave the parking area in a forward motion. (Section 500.17a).
- C. Minimum stall width (Section 500.17F).
- D. Maximum access dimension (Section 500.17H).

Landscaping

- E. Landscaping the perimeter of lots (Section 500.35E3.a and b).
2. Use of the existing 2,800 square foot structure shall be limited to a real estate sales facility. A maximum of 1,400 square foot shall be used for office and the remainder shall be used for records storage. This condition shall be recorded and made part of the title. Evidence of compliance with this condition shall be submitted with site plan review committee application.
  3. Only wall signs shall be permitted on site. No point of purchase signs shall be permitted on site.
  4. Landscaping shall be installed as reflected on the proposed site plan prior to commencing with use of the site.
  5. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval.
  6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
  7. 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 100% of 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.

8. 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 State Road Alternate A1A, 40 feet from centerline free of all 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.
9. 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 \$1,485.00 (27 additional trips X \$55.00 per trip).
10. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
11. 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 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 22nd day of May, 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