

RESOLUTION NO. R-88-1199

RESOLUTION APPROVING ZONING PETITION NO. 73-91(A)
SPECIAL EXCEPTION PETITION OF THE PERFORMING ARTS CENTER
AUTHORITY OF BROWARD COUNTY

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. 73-91(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 23, 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. 73-91(A), the petition of THE PERFORMING ARTS CENTER AUTHORITY OF BROWARD COUNTY, by Beril Kruger, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMUNITY SHOPPING CENTER INCLUDING FINANCIAL INSTITUTION WITH DRIVE-UP TELLER WINDOWS PREVIOUSLY APPROVED UNDER ZONING PETITION NO'S. 73-91 ON JULY 26, 1973 (R-73-427, ADOPTED AUGUST 7, 1973) AND 79-18 ON JANUARY 25, 1979 (R-79-190, ADOPTED FEBRUARY 13, 1979) AND 79-94 ON APRIL 26, 1979 (R-79-607, ADOPTED MAY 8, 1979), TO INCLUDE A COMMERCIAL KENNEL Commencing at the North 1/4 corner of Section 27, Township 44 South, Range 42 East, thence, South 01 degree 22' 26" West (Assumed Bearing Datum) along the North-South 1/4 section line of Section 27, a distance of 653.08 feet; thence South 88 degrees 37' 34" East, perpendicular to the previous course, 80.0 feet to the Easterly Right-of-Way line of Jog Road and the Point of

Beginning; thence, North 01 degree 22' 26" East along said Right-of-Way line and parallel with the North-South 1/4 section line, 61.29 feet; thence North 02 degrees 16' 49", East along said Right of Way line, 189.64 feet; thence, North 01 degree 22' 26" East along said Right of Way line, 18.00 feet; thence South 88 degrees 37' 34" East, perpendicular to the previous course, 271.16 feet to a nontangent Point of Curvature; thence, Southwesterly along the arc of a curve concave to the Southeast having a radius of 149.0 feet; a central angle of 52 degrees 40' 42", a chord length of 132.22 feet which bears South 27 degrees 40' 35" West, an arc distance of 136.99 feet to a Point of Tangency; thence, South 01 degree 20' 15" East, 150.40 feet; thence, North 88 degrees 37' 34" West, along a line perpendicular to the North-South 1/4 section line 215.68 feet to the Point of Beginning, located on the east side of Jog Road approximately 200 feet south of Lake Worth Road (SR 802) in a CG-General 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 outside of the utility easements, or release agreements shall be obtained from all easement holders and filed with the Zoning Division.
 - b. Revised square footage of the veterinary clinic and commercial kennel with corrective changes to the parking calculations.
3. 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.
4. Since sewer service is available to the property, septic tank shall not be approved for use on said property.
5. Since water service is available to the property, a well shall not be approved for use on said property for potable water.
6. 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 85% of the stormwater runoff generated by a three (3) year-one hour storm (3.0 inches) per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.

7. 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 \$12,056.00 (450 trips X \$26.79 per trip).
8. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$3,014.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$15,070.00 to be paid prior to the issuance of the first building permit or prior to December 1, 1987 whichever shall first occur.
9. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$3,014.00 shall be credited toward the increased Fair Share Fee.
10. Access to the site shall be from the site's internal accessways. No direct access shall be permitted to Jog Road.

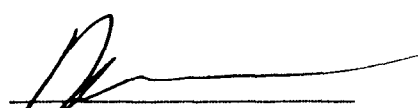
Commissioner Marcus, moved for approval of the petition. The motion was seconded by Commissioner Adams, and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 9th day of August, 1988 confirming action of July 23, 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:

