

RESOLUTION NO. R-88- 1228

**RESOLUTION APPROVING ZONING PETITION NO. 87-45
SPECIAL EXCEPTION PETITION OF HONEY ACRE FARMS, 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. 87-45 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. 87-45, **the petition** of HONEY ACRE FARMS, **INC.,** for a SPECIAL EXCEPTION TO ALLOW A CHURCH, **INCLUDING** ACCESSORY BUILDINGS AND STRUCTURES on a **parcel of land lying at** the Northeast corner of **Section 35,** Township 41 South, Range 42 East, Palm Beach County, **Florida;** thence **South 00 degrees 48' 03" West along** the East line of **said Section 35** (the East line of **said Section 35 is** assumed to bear South 00 degrees 48' 03" West and **all other bearings are relative** thereto) a distance of 1413.12 feet **to a point on the centerline** of Hood Road as described in Deed **Book 1139, Page 281, Public Records of Palm Beach County, Florida;** thence North 88 degrees 06' 58" West **along said centerline a distance** of 1646.55 feet **to a point** on the **East line** of the West **3/4** of the North **1/2** of the **Southwest 1/4** of the **Northeast 1/4** of **said Section 35;**

thence South 00 degrees 49 ' 19" West along the aforementioned **line a distance** of 617.99 feet to a **point on the Southwesterly right-of-way line of Interstate 95** as shown on Florida Department of Transportation Map **Section Number 93220-2474, said point being the POINT OF BEGINNING of the hereinafter described parcel;** **Thence continue** South 00 degrees 49' 19" West a **distance** of 48.21 feet to a **point** on the **South line** of the West 3/4 of the North 1/2 of the Southwest 1/4 of the Northeast 1/4 of **said Section 35;** thence North 88 degrees 18' 22" West **along said line a distance** of 456.57 feet; thence North 00 degrees 50' 10" **East a distance** of **81.03 feet;** thence North 44 degrees 09' 50" West **a distance** of **386.57** feet; thence North 88 degrees 18' 22" West **a distance** of **258.06** feet to a **point** on the North-South 1/4 section line of **said Section 35;** thence North 00 degrees 50' 10" **East a distance** of 204.65 feet to a **point** on the South **right-of-way line** of Hood Road as shown on **said Department of Transportation Right-of-Way Map;** thence South 78 degrees 23 ' 03" East a distance of 209.95 feet; thence South 88 degrees 06' 58" East **a distance** of 521.50 feet to the **point of intersection with the Southwesterly right-of-way line of Interstate 95;** thence South 27 degrees 59' 44" **East along said right-of-way line a distance** of 539.61 feet to the **POINT OF BEGINNING, located** on the West side of proposed I-95 **approximately 150** feet South of Hood Road and further bounded on the West by an unnamed access road, **in a RS-Single Family Residential Zoning District,** was approved as **advertised,** subject to the **following conditions:**

1. Prior to **site plan certification,** the **site plan shall** be amended **to indicate the following:**
 - a. **Required handicap parking spaces.**
 - b. **A minimum parking stall width** of ten (10) feet.
 - c. **Required landscape islands.**
 - d. **Required tree in each interior island.**
 - e. **Site development phasing if any proposed.**
2. Outdoor **lighting** used to **illuminate** the **premises shall** be **low intensity** and **directed away** from adjacent **properties** and streets, **shining only** on the subject **site.**
3. **Special Requirements for Vegetation Protection:**
 - a. Prior to **site plan certification,** **petitioner shall** prepare a tree **survey meeting** the **requirements of Zoning Code Section 50Q.35.F. 18 (Minimum Standards for Preparation of Tree Surveys)** . The tree survey **shall** be prepared at the same **scale as** the **proposed site plan.** **All individual** protected

trees shall be delineated which are eligible for Tree Preservation Credits pursuant to Zoning Code Section 500.35, Figure 500.35-3 (Calculation of Tree Preservation Credits). The survey shall also indicate the general boundaries of areas of significant native vegetation which may be associated with protected trees. The tree survey shall indicate those protected trees which are proposed to be removed because of the construction of buildings and improvements such as parking and accessways.

- b. The petitioner's tree survey shall be reviewed by staff with the express direction to assure that the minimum number of protected trees or areas of significant vegetation are removed or disturbed. In particular, in an effort to retain as many trees and as much protected vegetation as possible, petitioner shall eliminate all proposed parking in excess of minimum Code requirements. Those trees which must be removed in order to accommodate necessary construction shall be evaluated on the likelihood of successful transplantation on site. Staff are encouraged to exercise maximum flexibility in permitting site design modifications in order to further the goal of vegetation protection.**
- 4. No building permit shall be issued for the subject property until such a time that the site is approved for connection to a public sewer system.**
- 5. Since sewer service is available to the property, septic tank shall not be approved for use on the property.**
- 6. Since water service is available to the property, a well shall not be approved for use on the property.**
- 7. 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.**

8. 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 \$3,349.00 (125 trips X \$26.79 per-trip).**

Commissioner Marcus, 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 -- We
Karen T. Marcus -- We
Dorothy Wilken -- Absent
Kenneth M. Adams -- We

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

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNEL, CLERK

BY:


DEPUTY CLERK

