

RESOLUTION'NO. R- 89-1023

RESOLUTION APPROVING ZONING PETITION NO. 88-107
REZONING WITH VOLUNTARY COMMITMENTS
PETITION OF THE BOARD OF COUNTY COMMISSIONERS

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. 88-107 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 26, 1988: 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. 88-107, the petition of THE BOARD OF COUNTY COMMISSIONERS, by Carol A. Roberts, Chair, for a REZONING FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT TO PO-PUBLIC OWNERSHIP ZONING DISTRICT (TO PERMIT A PUBLIC COMMUNITY PARK) on a parcel of land lying on Tract 5, less the North 26.00 feet thereof and Tracts 6 through 9, inclusive, Block 81 Palm Beach Farms Company, Plat No. 3 in Section 30, Township 47 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54., being located on the south side of Palmetto Park Road (220th Street South), approximately .4 mile east of State Road 7 (US 441), was approved as advertised, subject to the following voluntary commitments:

1. The petitioner shall prepare an "Alternative Landscape Betterment Plan", which exceeds the requirements of the Palm Beach County Landscape Code, in the following manner:

- a. The petitioner shall plant twelve (12) foot high canopy trees at twenty (20) feet on center and a continuous hedge along the north, south and west property lines wherever native vegetation does not provide ample screening from adjoining properties;
 - b. The petitioner shall plant a minimum thirty-six (36) inch high native hedge within the ten (10) foot required landscape strip abutting the southern most parking lot and property line;
 - c. Graphically depict all of the preservation areas and perimeter buffer requirements; and
 - d. Preserve the existing cypress preserve and any native plant material within the required landscape strips and open space areas.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
 3. Water service is available to the property. Therefore, **no** well shall be permitted on the site to provide potable water.
 4. The petitioner 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 first one inch of stormwater runoff. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
 5. The property owner shall construct a left turn lane, east approach on Palmetto Park Road at the project's entrance road concurrent with onsite paving and drainage improvements. Construction shall be completed concurrent with the construction of the project's entrance road onto Palmetto Park Road.
 6. The Parks Department shall convey to the Lake Worth Drainage District the north **35** feet of Tracts **5, 6, 7, 8** and **9** inclusive Block **81** Palm Beach Farms Company, Plat **No. 3** Plat Book **2**, Pages **45-54** inclusive. In addition, the **Lake** Worth Drainage District has deeds to the north **26** feet of Tract **5**, Deed **Book 113**, Page **596**, and Official Record **Book 2118**, Page **1849**, the north **26.4** feet of Tracts **5** through **8** (Chancery Case **No. 407**) and the north **56** feet of Tract **9**, Deed **Book 255**, Page **214**. The required right-of-way for Lateral Canal **No. 48**, shall be **by** Quit **Claim** Deed or an Easement Deed in the form provided by said District within ninety (**90**) days of the approval of the Resolution approving this project.
 7. The petitioner shall install a six (**6**) foot opaque **fence** along the entire **south property** line.

8. The Parks and Recreation Department shall present the design and location of the swimming pool and attendant parking lot at a public meeting prior to requesting construction funding from the Board of County Commissioners.
9. All lighting shall be low intensity, shielded and directed away from adjacent residential propertie:;.
10. The cypress preserve and pine flatwood area, as designated on exhibit 18 of the petition file shall be preserved.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Watt 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	--	Absent
James Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of September 26, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :

Paul W. Altman
COUNTY ATTORNEY

BY:

June J. Hardy
DEPUTY CLERK