

RESOLUTION NO. R-89-1315

RESOLUTION APPROVING ZONING PETITION NO. 86-106(B)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF AMERIFIRST DEVELOPMENT CORPORATION

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. 86-106(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 31, 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 and local land development regulations.

WHEREAS, the Board of County Commissioners sitting as the Zoning Authority conditionally approved this petition subject to petitioner filing an application with the Treasure Coast Regional Planning Council for a substantial deviation review.

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. 86-106(B), the petition of AMERIFIRST DEVELOPMENT CORPORATION, by John C. Toshner, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying in Tracts 1 to 128, all inclusive, Block 38, Tracts 1 to 72, all inclusive, Block 39, Palm Beach Farms Company, Plat No. 3, Plat Book No. 2, at Pages 45 to 54, and as corrected to Tracts 1 to 16 inclusive, Block 38 and Tracts 1 to 9 inclusive, Block 39, in Plat 13, in Plat Book 6, at Page 99.

Also, the hiatus lying between the 1/4 section line of Section 3, Township 45 South, Range 42 East and Block 39 of Palm Beach Farms Company, Plat No. 3, Plat Book 2, Pages 48 and 49, and the revised plat recorded in Plat Book 6, Page 99, which plats are hereinbefore referred to, said hiatus being fully described as: Beginning at the 1/4 section corner Northeast corner of Northwest 1/4 on the North line of Section 3, Township 45 South, Range 42 East, and run with said 1/4 section line South 00 degrees 15 minutes, 30 seconds East 5146.00 feet: thence, South 89 degrees, 44 minutes West, 156.00 feet to the Southeast corner of said Block 39 hereinbefore referred to: thence, with the East line of said Block North 02 degrees, 10 minutes, 30 seconds West 4722.00 feet to the Southeast corner of Tract 1 of said Block 39; thence, with the East line of said Tract 1 North 08 degrees, 53 minutes, 30 seconds West 413.00 feet to the North line of said Section 3 North, 89 degrees, 39 minutes East 386.7 feet to the Point of Beginning. Said lands bordered on the east by Jog Road and on the West by the Florida Turnpike, being located on the west side of Jog Road, and bounded on the south by Hypoluxo Road Extension and on the west by Florida's Turnpike (Sunshine State Parkway), in a RS-Single Family Residential Zoning District, in part, and a RTS-Residential Transitional Suburban Zoning District, in part, was approved on March 31, 1989, as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
3. Condition No. 11.a. of Zoning Petition No. 87-65, Resolution No. R-87-481, which presently states:

"11. HABITAT, VEGETATION, AND WILDLIFE

a. Wetland Preservation:

At a minimum, the developer shall preserve in viable condition the 10.1 acres of wetland habitat shown on Map G of the Smith Dairy Informational Sufficiency Response of June 13, 1986. The developer shall undertake whatever action may be necessary to maintain normal hydro-periods within these preserved wetland areas prior to, during, and after construction."

is hereby amended to read as follows:

" Habitat, Vegetation, and Wildlife.

- a. At a minimum, the developer shall preserve in viable condition ten(10) acres of wetland habitat, as shown on Master Water Management Plan, Exhibit 35. The developer shall relocate the Pond Apple Preserve to an 0.12 acre littoral shelf located adjacent to the area where the Pond Apples exist at present. In addition, 0.23 acres of wetland vegetation will be planted at the northeast corner of the lake in a double littoral zone using mixed hardwood swamp species, as shown on the Mitigation Plan, Exhibit E submitted December, 1988, in the Smith Dairy DRI request for development order change. The developer shall undertake whatever action may be necessary to maintain normal hydro-periods within these preserved wetland areas prior to, during, and after construction."
4. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
6. The petitioner shall file an application with the Treasure Coast Regional Planning Council for a substantial deviation review. Road construction may commence for those areas of Hagen Ranch Road that will not affect the existing location of the pond apple preserve (as indicated on Map G dated June 13, 1986), subject to approval by the Department of Community Affairs.
7. 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 adoption of the Resolution.

The motion was seconded by the Commissioner Howard 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 11th day of July, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK