

RESOLUTION NO. R-91-250

RESOLUTION APPROVING ZONING PETITION NO. 90-45
REZONING PETITION OF CITY OF RIVIERA BEACH

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. 90-45 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 30, 1990; 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. 90-45, the petition of CITY OF RIVIERA BEACH, REQUESTING A REZONING FROM AR AGRICULTURAL RESIDENTIAL, TO PO, PUBLIC OWNERSHIP (FOR A PROPOSED LIFT STATION) on a parcel of land being a portion of the Northwest 1/4 of Section 36, Township 42 south, Range 42 East, being more particularly described as follows: The north 115 feet of the south 175 feet of the west 120 feet of the northwest 1/4 of Section 36, Township 42 South, Range 42 East and being located on the EAST SIDE OF HAVERHILL, APPROXIMATELY 1 MILE NORTH OF 45TH STREET was approved on August 30, 1990, as advertised subject to the following voluntary commitments:

A. STANDARD CONDITIONS

1. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.

B. ANNEXATION

1. The petitioner shall voluntarily annex the subject property into the City of Riviera Beach at such time that annexation is pursued by the City.

C. BUILDING

1. Building height shall be limited to a maximum of 25 feet.
2. The south, east and west sides of the proposed building shall be given architectural treatment consistent with the front facade.

D. DUMPSTER

1. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind a CBS enclosure having an architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscuring, opaque gates.

E. ENGINEERING

- E1. 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 on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of three (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 Florida Department of Transportation is also 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.
- E2. Prior to March 1, 1991 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production by road right-of-way warranty deed for Haverhill Road, 55 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.

F. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

G. LANDSCAPE

1. Trees shall be maintained at a minimum height of fifteen (15) feet according to Arbor Society Standards.
2. All plant material shall be fully irrigated and maintained in a healthy viable condition.

3. Landscaping along the south property line, where the facility is adjacent to residentially zoned property, shall be upgraded to:
 - a. Provide a minimum of a ten (10) foot wide landscape strip.
 - b. Provide twelve (12) foot tall native canopy trees, placed twenty (20) feet on center and one (1) palm for each thirty (30) linear feet.
 - c. Provide a six (6) foot high concrete block wall along the inside edge of the landscape strip.
4. Landscaping along the west property line, along Haverhill Road, shall consist of Landscape Alternative Number 3 supplemented with one fourteen foot tall (14') tree for each thirty linear feet (30') of frontage.
5. Landscaping along the north and east property lines shall consist of Landscape Alternative No. 1.

H. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets.

I. VEGETATION PROTECTION

1. All Sabal Palms shall be preserved or relocated on site.
2. Prior to removal of any vegetation, the petitioner shall schedule a pre-clearing inspection with the Zoning Division.

J. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously Granted certifications of concurrency or exemptions therefrom; and/or
 - e. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Phillips moved for approval of the Resolution.

The motion was seconded by Commissioner McCarty and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of February, 1991.

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