

RESOLUTION NO. R-89 740

RESOLUTION APPROVING ZONING PETITION NO. 88-73
SPECIAL EXCEPTION PETITION OF HAGEN RANCH PROPERTIES 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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 88-73 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 28, 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. 88-73 the petition of HAGEN RANCH PROPERTIES CORPORATION, by Beril Kruger, Agent, for a SPECIAL EXCEPTION TO PERMIT COMMERCIAL SALES AND SERVICE ENTERPRISE OF AN AGRICULTURAL NATURE (POTTING SOIL MANUFACTURING) on a parcel of land lying at Tracts 65 through 72 inclusive, less the West 25 feet of said Tract 72, Block 55, Palm Beach Farms Company, Plat No. 3 as recorded in Plat Book 2, Page 50, less the North 42 feet of Tracts 65, 66, 67, 68, and 69 and less the North 55 feet of Tracts 71-72, being located on the east side of Hagen Ranch Road, approximately .5 mile south of Boynton Beach Boulevard, bounded on the north by Lake Worth Drainage District Lateral Canal No. 25, in an AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:

- a. The correct dimensions for all access points:
 - b. The location, and type of materials to be stored on site:
 - c. A graphic elevation clearly detailing the mulching and topsoil production process as it will occur on site:
 - d. The height of the soil hopper: and
 - e. Revised tabular data to include: the maximum total floor area and the maximum lot coverage.
2. There shall be no cross access or storage of materials associated with this Special Exception between Zoning Petition No. 88-73 and No. 87-144.
 3. Prior to site plan certification, the petitioner shall submit documentation substantiating existing building locations prior to 1973, and a copy of all the building permits issued on site. The petitioner shall also indicate those buildings to remain in the project's proposal. The petitioner shall delineate upon the site plan the building permit number and year it was issued for each structure shown.
 4. No composting shall take place on site. Use of the site shall be limited to potting soil processing and a plant nursery.
 5. Prior to site plan certification, the petitioner shall demonstrate to the satisfaction of the Health Department that the operation of the facility satisfies all applicable pollution control requirements, in particular, in order to ensure compliance with regulations governing unconfined emissions of particulate matter, Florida Administrative Code Rule 17-2.610(3), the petitioner shall take reasonable precautions that include, but are not limited to, the following:
 - a. Adequate containment structures at the operational points; and
 - b. Sufficient water sprinkling.
 6. Petitioner shall cease operation upon receipt of a complaint to the Health Department that pollution control rules have been violated. Operation may be resumed upon a determination by the Health Department that no code violation exists or otherwise as provided by law.

7. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
8. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
9. 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 onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches 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.
10. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
11. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Hagen Ranch Road, 40 feet from centerline free of all encumbrances and encroachments. Petitioner 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.
12. Prior to Site Plan certification the developer shall relocate the proposed entrance road subject to approval by the County Engineer.
13. 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 \$2,545.00 (95 trips X \$26.79 per trip).

14. The petitioner shall convey to the Lake Worth Drainage District the north 55 feet of Tract 70, Block 55, and the south 13 feet of the north 55 feet of Tracts 69, 68, 67, 66, and 65 Block 55 according to the plat of the Palm Beach Farms Company Plat No. 3, Plat Book 2, Page 45-54 for the required right-of-way for Lateral Canal No. L-25, 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.
15. No off-premise signs shall be permitted on the site.
16. Property owner shall construct on Hagen Ranch Road a three-lane section from the project's south property line north to the north of the school site along with appropriate tapers, as approved by the County Engineer.
17. The petitioner shall install a landscape buffer along the northern property line consisting of a solid hedge twenty-four (24) inches high, planted twenty-four (24) inches on center, to reach a minimum height of six (6) feet within two (2) years, supplemented with one (1) tree every twenty (20) feet on center extending from the northwestern property line to the eastern edge of "Building B" located within the center of the site, as indicated on Exhibit No. 18 presented at the Board of County Commissioners' public hearing.
18. Prior to submittal to the Site Plan Review Committee, the petitioner shall execute Unity of Title covering the entire site for Petition No. 87-144.
19. Failure to comply with the conditions herein 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 Elmquist 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	--	Absent
Dorothy Wilken	--	Absent
Jim Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of July 28, 1988.

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