

RESOLUTION NO. R-89-1083

RESOLUTION APPROVING ZONING PETITION NO. 82-174(B)
SPECIAL EXCEPTION 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. 82-174(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 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. 82-174(B) the petition of THE BOARD OF COUNTY COMMISSIONERS, by Carol A. Roberts, Chair, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR WEST BOCA ESTATES PLANNED UNIT DEVELOPMENT (PETITION NOS. 82-174 AND 82-174(A) TO PERMIT GOVERNMENT SERVICES AND ACCESSORY BUILDINGS AND STRUCTURES (PUBLIC LIBRARY) on a parcel of land lying on Tract "B", "Boca Lake", recorded in Plat Book 42, Page 191, located in Section 14, Township 43 South, Range 42 East, being located on the northwest corner of the intersection of 95th Avenue South and Glades Road, approximately .5 mile east of State Road 7 (US 441), in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the library site plan shall be amended to indicate the following:
 - a. Access dimensions at 95th Avenue South: and,

- b. Label the existing vegetation on site as a cypress preserve.
2. The petitioner shall submit appropriate documentation from the respective utilities to allow for the installation of required landscaping.
3. The developer shall preserve the existing cypress stand on site and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable area. This preservation area shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code during the site development and construction phase.
4. The petitioner shall preserve and incorporate the existing: nineteen (19) sabal palms, two (2) orchid trees and two (2) pongams, into the perimeter landscape buffers and/or other open space areas on site.
5. The petitioner shall provide a landscape buffer along the western property line. This buffer shall consist of a three (3) foot high earth berm with thirty-six (36) inch high hedge material and supplemented with twelve (12) foot canopy trees planted twenty (20) feet on center.
6. Site lighting shall be low intensity, shielded and directed away from neighboring properties and shall not exceed fifteen (15) feet in height.
7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. 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 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. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be 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.
10. The petitioner shall construct from 95th Avenue South at Glades Road to the project's entrance as a three (3)

lane section plus appropriate paved tapers concurrent with onsite paving and drainage improvements.

11. 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 Marcus moved for approval of the petition. The motion was seconded by Commissioner Howard and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of November 30, 1988.

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

