

RESOLUTION NO. R-90- 533

RESOLUTION APPROVING ZONING PETITION NO, 89-74
SPECIAL EXCEPTION PETITION OF JOHN E. MORRIS,
ROBERT R. AND BARBRA J. HARRIS AND
DONALD T. AND EMMALINE MASSIE

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. 89-74 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 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 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. 89-74 the petition of JOHN E. MORRIS, ROBERT R. AND BARBRA J. HARRIS AND DONALD T. AND EMMALINE MASSIE, by Marda L. Zimring, Agent, for a SPECIAL EXCEPTION TO PERMIT PUBLIC AND PRIVATE UTILITY SERVICES AND ACCESSORY BUILDINGS AND STRUCTURES (ELECTRIC POWER AND LIGHT SUBSTATION) on a parcel of land lying on three (3) Tracts known as X-19, X-23 and X-24 of the unrecorded subdivision of the East 1/2 of said Section 29, Township 42 South, Range 41 East, as follows:

Tract X-19: The South 478.00 feet of the North 4,930.00 feet of the East 209.00 feet of the East 1/2 of said Section 29.

Subject to a 30 foot-wide easement for road and drainage purposes, over the North 30.00 feet thereof and over the South 30.00 feet thereof.

Tract X-23: The South 239.00 feet of the North 4,930.00 feet of the West 418.00 feet of the East 627.00 feet of the East 1/2 of said Section 29. Subject to a 30 foot-wide easement for road and drainage purposes, over the South 30.00 feet thereof.

Tract X-24: The South 239.00 feet of the North 4,691.00 feet of the West 418.00 feet of the East 627.00 feet of the East 1/2 of said Section 29, Subject to a 30 foot wide easement for road and drainage purposes over the North 30 feet thereof.

Notes: All distances shown on the description of Tracts X-19, X-23, and X-24 are measured along the East and North lines of said Section 29, and lines parallel therewith. All three tracts are also subject to a 185 foot-wide easement granted to Florida Power and Light Company, as recorded in Official Record Book 28, Page 385, and Official Record Book 50, page 142.

This parcel being located on the northeast corner of the intersection of 71st Place North and 140th Avenue, and bounded on the north by 72nd Court North, in an AR-Agricultural Residential Zoning District, was approved on August 31, 1989, as advertised, subject to the following conditions:

1. Along the perimeter of the site, except for beneath the powerlines, the petitioner shall install the following where existing vegetation does not meet the intent of this condition:
 - a. A staggered double row of native drought tolerant trees, 50% of which shall be 8 feet in height and 50% to be 14 feet in height planted an average of 10 feet on center;
 - b. A double row of native drought tolerant understory plants a minimum of 30 to 36 inches in height planted an average of 36 inches on center; and,
 - c. These materials shall be planted and maintained according to xeriscape principles.
2. 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).
3. No off premise signs shall be permitted on site.
4. Preservation areas, as shown on Exhibit No. 18, shall be protected during construction.
5. 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. 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.

6. The Developer 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 \$54.00 (2 trips X \$26.79 per trip).
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 Phillips moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of March, 1990.

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

