

RESOLUTION NO. R-90- 577

RESOLUTION APPROVING ZONING PETITION NO. 89-89
REZONING PETITION OF THE CITY OF BOYNTON BEACH
WITH VOLUNTARY COMMITMENTS BY CARMEN ANNUNZIATO, AGENT

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. 89-89 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 26, 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. 89-89, the petition of THE CITY OF BOYNTON BEACH, BY CARMEN ANNUNZIATO, AGENT, for a REZONING FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT TO PO-PUBLIC OWNERSHIP ZONING DISTRICT (WATER TREATMENT PLANT), on a parcel of land situated in the South 1/2 of Section 23, Township 45 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows: Commencing at the Southeast corner of the Southeast 1/4 of said Section 23; thence North 00 Degrees 19' 04" West along the West line of said Southeast 1/4 of Section 23, a distance of 70.45 feet to the existing North right-of-way of S.R. 804, as recorded in Road Plat Book 1, page 184, of the Public Records of said County; thence North 89 Degrees 19' 04" East along said right-of-way line, a distance of 332.27 feet to the point of beginning. From the point of beginning, continue North 89 Degrees 19' 04" East along said S.R. 804 right-of-way line, a distance of 332.27 feet; thence North 00 Degrees 02' 02" East a distance of 588.70 feet; thence South 89 Degrees 30' 29" West a distance of 332.05 feet; thence South 00 Degrees 03' 13" West a distance of 589.81 feet to the Point of Beginning.

Estate sought to be condemned: Fee simple absolute for the purpose of construction and maintenance of a water treatment plant and related appurtenances.

Parcel 16

A parcel of land situated in the South 1/2 of Section 23, Township 45 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows: Commencing at the Southwest corner of the Southeast 1/4 of said Section 23; thence North 00 Degrees 19' 04" West along the West line of said Southeast 1/4 of Section 23, a distance of 70.45 feet to the existing North right-of-way line of S.R. 804, as recorded in Road Plat Book 1, page 184, of the Public Records of said County; thence North 89 Degrees 19' 04" East along said right-of-way line, a distance of 40.00 feet to the East line of an 80.00 foot right-of-way for the E-3 Canal and the Point of Beginning.

From the point of beginning, continue North 89 Degrees 19' 04" East along said S.R. 804 right-of-way line, a distance of 292.27 feet; thence North 00 Degrees 03' 13" East a distance of 589.81 feet; thence South 89 Degrees 30' 29" West a distance of 292.95 feet to the aforesaid East line of the E-3 Canal right-of-way; thence South 00 Degrees 04' 25" West along said East line, a distance of 590.78 feet to the Point of Beginning.

Estate sought to be condemned: Fee simple absolute for the purpose of construction and maintenance of a water treatment plan and related appurtenances. Subject to easements, restrictions, reservations, and rights of way of record. Containing 8.45 acres (368.165 square feet) more or less (total), being located on the North side of Boynton Beach Boulevard (SR 804), approximately .38 mile West of Military Trail was approved on October 26, 1989, as advertised, subject to the following voluntary commitments:

1. At the time of application for a building permit, the petitioner shall submit a landscape plan which:
 - a. Provides a minimum of one (1) eight (8) foot tall native canopy tree for each 20 linear feet of perimeter (north, east, and west).
 - b. Provides a minimum of one (1) drought tolerant shrub for each two (2) linear feet of perimeter (north, east, and west). A mixture of twenty-four (24) inch tall plants shall be used consisting of wax myrtle, coca plum, saw palmetto, or other acceptable alternatives.
 - c. Provide along Boynton Beach Boulevard a minimum of one (1) twelve (12) foot tall native canopy tree for each twenty (20) linear feet of property line, a minimum of a thirty-six (36) inch tall continuous hedge, and one (1) native palm tree for each forty (40) linear feet of property line, excepting the well enclosure area.
2. Xeriscape principles shall be used in plant material selection, installation and maintenance.
3. Sewer service is available to **the property**. Therefore, no septic tank shall be permitted on the site.

4. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
5. The City of Boynton Beach agrees to comply with the provisions of the Wellfield Protection Ordinance. Any activities which involve the use, storage, handling or production of Regulated Substances shall be located outside Zone 1. A Zone 2 permit will be required.
6. 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.
7. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
8. Prior to February 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for 60 feet from centerline of construction (as identified in Palm Beach County's construction plans for Boynton Beach Boulevard) 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.
9. The Property owner shall convey to Palm Beach County prior to February 1, 1990 adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from the 1.9 acres of Boynton Beach Boulevard along the property frontage. Said easements shall be no less than 20 feet in width.

The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.

10. The property owner shall convey to the Lake Worth Drainage District an easement over the west 30 feet of Parcel 16 for the required right-of-way for Equalizing Canal No. 3, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to February 1, 1990.
11. No off premise signs shall be permitted on site.

Commissioner Phillips moved for approval of the Resolution..

The motion was seconded by Commissioner Roberts 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

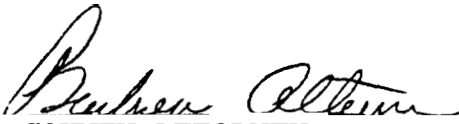
The Chair thereupon declared the resolution was duly passed and adopted this 3rd day of April, 1990.

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