

RESOLUTION NO. R-90-1321

RESOLUTION APPROVING ZONING PETITION NO. 88-118(A)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF LEXINGTON HOMES, INC.

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. 88-118(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 29, 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 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. 88-118(A), the petition of LEXINGTON HOMES, INC., for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land situating in Section 25, Township 47 South, Range 41 East, being a portion of Lots 2 through 6 and Lots 11 through 15 and together with the vacated former road right-of-way lying to the West per Resolution of 1963, "FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 2", as recorded in Plat Book 1, Page 102: Commencing at the Northeast corner of the Plat of "Allegro", Plat Book 60, Pages 3 through 7; Thence South 88 Degrees 42'41" East along the Easterly projection of the North line of said Plat, a distance of 26.00 feet to the West line of that 99.00 foot right-of-way parcel described in order of taking, Official Records Book 5165, Pages 1381 through 1383, and the POINT OF BEGINNING of this description; Thence North 00 Degrees 33'18" West along said West line, a distance of 1216.21 feet; Thence South 89 Degrees 56'55" West along the South line of "HOLIDAY CITY AT BOCA RATON", Plat Book 29, Page 192, a distance of 1026.66 feet to the Southwest corner of Lot 6, Block 2 of "HOLIDAY CITY AT BOCA RATON SECTION 2", Plat Book 30, Page 118; Thence North 25 Degrees 00'05" West,

a distance of 73.49 feet; Thence North 64 Degrees 59'55" East, a distance of 100.00 feet; Thence North 25 Degrees 00'05" West, a distance of 100.00 feet; Thence South 64 Degrees 59'55" West, a distance of 100.00 feet; Thence North 25 Degrees 00'05" West, a distance of 85.20 feet; Thence South 87 Degrees 26'20" West, a distance of 33.99 feet; Thence South 64 Degrees 59'15" West along the Southerly line of said "HOLIDAY CITY BOCA RATON SECTION 2" and the Southwesterly projection thereof, a distance of 1400.03 feet to an intersection with a line 15.00 feet West of and parallel with, as measured at right angles to the West line of Lots 11 through 14 of said "FLORIDA FRUITLANDS COMPANY' SUBDIVISION NO. 2"; Thence South 00 Degrees 47'50" East along said line, a distance of 911.13 feet; Thence South 88 Degrees 42'41" East along the North line of said "ALLEGRO" SUBDIVISION and the Westerly extension thereof, a distance of 2,438.39 feet to the POINT OF BEGINNING, **TOGETHER WITH** all right title and interest in that certain Easement recorded August 10, 1989 in Official Records Book 6157, Page 1574, and being located on the west side of U.S. 441, approximately .1 mile south of Palmetto Park Road, in a (RS) Residential Single Family Zoning District, was approved on March 29, 1990, as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition Number 3 of Zoning Petition 88-118, approved by the Board of County Commissioners on December 29, 1988, which currently states:
 - "3. A Vegetation Removal Permit shall be required prior to clearing the recreation area, retention area, utility and drainage easements and all on-site rights-of-way.

The application for a Vegetation Removal Permit shall include the proposed extent of the clearing operation and preservation measures. Individual lots shall not be cleared of native vegetation until after the Zoning Division has accepted the Building Permit application and approved a Vegetation Removal Permit for that lot. The extent of clearing shall be limited to the minimum necessary to complete the development. Native vegetation, within setbacks areas, shall be preserved."

is hereby amended to read:

"Prior to the issuance of a Vegetation Removal Permit for the uncleared portions of the property the petitioner shall:

- A. Submit a tree survey drawn to the same scale as the site plan.
- B. Submit a preservation, relocation and removal program which corresponds to the tree survey. This program shall demonstrate how significant native vegetation is to be incorporated into the site design where possible. At a minimum, this program shall specify:

1. The preservation or relocation of oak and pine trees on site except upon presentation and approval by the Zoning Division that preservation or relocation is not possible.
 2. A replacement program as specified in the Palm Beach County Landscape Code to replace in kind those native trees greater than seven inches (7") in caliper measured four and one half feet above grade.
 3. A landscape re-vegetation program indicating how this project will meet the minimum requirements of the Palm Beach **County** Landscape Code for quantity and species mix throughout the project to a minimum of **125%** of the number of trees required by the Palm Beach County Landscape Code.
- C. All trees to be relocated, preserved or removed shall be identified in the field and tagged and numbered according to the tree survey.
 - D. Trees to be preserved shall receive appropriate protection during site development. Protection devices shall be in place and approved by the Zoning Division prior to commencement of any clearing activity in the uncleared portions of the property.
 - E. Tree relocation shall occur prior to construction activity except as approved by the Zoning Division of a development phasing plan.
 - F. Prior to issuance of any Burn Permit for the site, the petitioner shall present documentation to the Zoning Division that other means of disposal are not available.
3. Petitioner shall ensure that the project's surface water run-off will not impact the adjacent Coral Sunset Elementary School. Detailed drainage plans shall be submitted to the office of the School Board prior to development to ensure that this developer's surface water run-off doesn't impact the adjacent school.
 4. The property owner shall participate in a recycling program when available in the area.

Commissioner Marcus moved for approval of the Resolution.

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

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

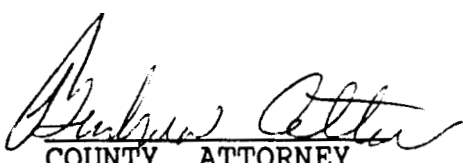
The Chair thereupon declared the resolution was duly passed and adopted this 7th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

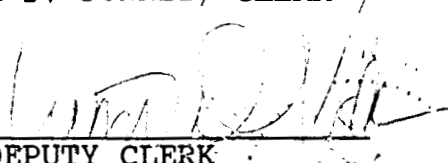
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

