

RESOLUTION NO. R-90-1895

RESOLUTION APPROVING ZONING PETITION NO. 82-182(B)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF SOUTHERN GOLD COAST INVESTMENTS, INC.
BY DWIGHT R. WEYANT, 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. 82-182(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 28, 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. 82-182(B), the petition of SOUTHERN GOLD COAST INVESTMENTS, INC., BY DWIGHT R. WEYANT, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying on Tract 2, Block 7, less the north 70.00 feet thereof, the Palm Beach Farms Company Plat No. 3, recorded in Plat Book 2, Pages 45 through 54, in Section 32, Township 43 South, Range 42 East and being located on the east side of Johnson Lane. 298 feet south of Belvedere Road in a IL-Light Industrial Zoning District., was approved on June 28, 1990 as advertised, subject to the following conditions:

SPECIFIC CONDITIONS:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

2. The Petitioner shall submit to the Zoning Division and the Department of Environmental Resources Management a planting and maintenance plan for all remaining preservation areas prior to Site Plan certification.

MODIFICATION

3. Condition No. 5 of Petition 82-182(A), which presently states:

"5. Areas of existing vegetation, particularly within the perimeter buffer, to be preserved shall be shown upon the approved development plan prior to master plan and/or site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include highlighting of preservation areas throughout the installation of stakes installed a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree.

In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or wood, placed a distance of six feet apart, or at the radius of the dripline, whichever is greater.

Additional tree preservation guidelines can be obtained from The Tree Protection Manual for Builders and Eevelopers published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services."

Is hereby modified to state:

~~"Areas of existing vegetation, particularly within the perimeter buffer, to be preserved shall be shown upon the approved development plan prior to master plan and/or site pl~~ All existing native vegetation shall be preserved or relocated to the fifteen (15) foot landscape buffer along the north property line. Relocated vegetation shall not be credited toward the overall tree requirement. Preservation areas shall be shown on the master plan and site plan prior to certification by the Site Plan Review Committee. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. ~~The~~ Minimum protection shall include highlighting of preservation areas throughout the installation with stakes installed a maximum of ~~fifty (50)~~ twenty (20) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree.

In addition, individual trees not within a preserved area or relocated shall be protected by a barrier, constructed of metal or wood, placed a distance of six feet apart, or at the radius of the dripline, whichever is greater.

Additional tree preservation guidelines can be obtained from The Tree Protection Manual for Builders and Developers published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services."

4. A preclearing inspection shall be required by the Planning, Zoning and Building Department prior to Site Plan Certification. The inspection shall include the location and tagging of all vegetation to be preserved or relocated.

LANDSCAPING

5. A Landscape Betterment Plan shall be submitted to the Planning, Zoning and Building Department prior to Site Plan Certification indicating the following:
 - a. Trees ten (10) feet in height and no greater than twenty (20) feet on center within the required landscape buffer around the perimeter of the site;
 - b. The north property line shall be supplemented with a thirty-six (36) inch high hedge in the landscape buffer; and
 - c. Seventy-five (75) percent of vegetation planted on site shall be of native species.
6. The landscape buffer areas adjacent to Leelan Way shall be planted with trees ten (10) feet in height and no greater than twenty (20) feet on center supplemented with a thirty-six (36) inch high hedge.
7. The required number of trees on site shall be no less than 233.

STANDARD CONDITIONS:

HEALTH

8. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
9. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

11. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 Florida Administrative Code.

RECYCLE SOLID WASTE

12. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

COMPLIANCE

13. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

commissioner Marcus 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	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	ABSENT

The Chair thereupon declared the resolution was duly passed and adopted this 6th day of November, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Pauline Otter*
COUNTY ATTORNEY

BY: *Muchelle P. Brown*
DEPUTY CLERK