

RESOLUTION NO. R-94-494

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 91-49  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-92-195  
WHICH APPROVED THE SPECIAL EXCEPTION OF  
TIM SLATER  
PETITION NO. 91-49

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 91-49 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on April 28, 1994; and

WHEREAS, the Board of county Commissioners has reviewed Status Report SR 91-49 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies: and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; 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; and
2. The Engineering Department has determined that there is insufficient planting space for effective median landscaping in the section of median in front of this property.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF **PALM** BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. SR 91-49, to amend Conditions of Approval of Resolution No. R-92-195, the Special Exception of Tim Slater, Petition No. 91-49, confirmed by the adoption of Resolution R-92-195, which rezoned the property to the CC-Community Commercial Zoning District, on parcel of land situated in Lot **1**, Block 2, MEADOW PARK, according to the **Plat** thereof, as recorded in Plat Book 22, Page 7, as in Section 8, Township 44 South, Range 43 East, being located on the southeast corner of the intersection of Congress Avenue and Cherokee Road, adjacent to the north side of

Humana Health Care Center, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly amended herein.
2. Condition number 1.1. of Resolution R-92-195 which states:

Prior to the first landscape inspection, the petitioner shall seek, in good faith, permission from the Florida Department of Transportation (FDOT) or the County Engineer to landscape the median of all abutting rights-of-way. This landscaping shall consist of one (1) twelve (12) foot tall native canopy tree for each thirty (30) feet of the adjacent median and appropriate ground cover. Trees may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected according to xeriscape principles from the following list. Alternative species may be allowed subject to approval by the Department of Environmental Resources Management.

Trees:

Turkey Oak  
Live Oak  
Slash Pine

Ground cover:

Saw Palmetto  
Wedilia  
Bahia Grass

All plant material shall be installed according to xeriscape principles and shall conform with the following:

- a. All plants shall be container grown.
- b. The bottom cushion of the planting area shall include a minimum 3-4 inch thick, high moisture retaining, marl based soil.
- c. Potting soil shall be placed around the plant root balls at time of planting.

This landscaping shall be the daily maintenance obligation of the property owner including irrigation for ninety (90) days from installation, and shall be installed prior to October 24, 1992.

In the event that permission to landscape the **median** is denied in writing, and the letter of

denial is filed with the Zoning Division, this condition shall be of no further force and effect.

Is hereby deleted.

Commissioner Aaronson moved for approval of the Resolution.

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

MARY MCCARTY, CHAIR	--	<b>Absent</b>
BURT AARONSON	--	Aye
KEN FOSTER	--	<b>Absent</b>
MAUDE FORD LEE	--	Aye
KAREN T. MARCUS	--	Aye
WARREN H. NEWELL	--	Aye
CAROL ROBERTS	--	<b>Absent</b>

The Chair thereupon declared the resolution was duly passed and adopted this 28th day of April, 1994.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: *Burt Aaronson*

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK BY: *Jane M. Blair* DEPUTY CLERK

