

RESOLUTION NO. R-96- 130

RESOLUTION APPROVING ZONING PETITION CA95-21
CLASS A CONDITIONAL USE
PETITION OF Levitt Homes
BY Robert A. Bentz, AGENT
TROPICAL WORLD NURSERY

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA95-21 was presented to the Board of County Commissioners at a public hearing conducted on January 25, 1996; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards of the ULDC.
9. **This** Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified 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 Zoning Petition CA95-21, the petition of Levitt Homes, by Robert A. Bentz, Agent for a Class A Conditional Use for a Retail and Wholesale Nursery in the Residential Transitional Suburban (RTS) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 25, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Ken Foster	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 25, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

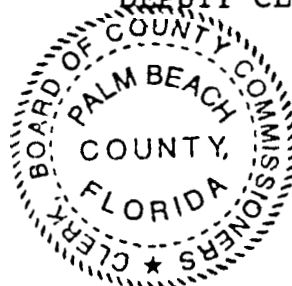
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

Petition No. CA95-21



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EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A parcel of land lying in Tracts 70, 71 and 72, Block 58 of "The Palm Beach Farms Company Plat No 3", as recorded in Plat Book 2, pages 45 through 54 of the public records of Palm Beach County, Florida, said parcel being more particularly described as follows:

COMMENCING at the Northwest corner of said Tract 72, THENCE along the North boundary of said Tract 72, Block 58 North 89°37'21" East, a distance of 30.00 feet to the POINT OF BEGINNING; THENCE continue North 89°37'21" East along the North boundary of said Tracts 72, 71 and 70, a distance of 660.00 feet to an intersection with a line 30.00 feet East of and parallel with the East boundary of said Tract 71; THENCE along said parallel line South 00°16'18" East, a distance of 516.00 feet; THENCE South 89°37'21" West, a distance of 134.82 feet to a point on the arc of a non-tangent curve concave to the North (said point bears North 65°05'50" East from the radius point of the next described curve), THENCE Southwesterly, along the arc of said curve having a radius of 53.00 feet, a delta of 188°08'33, and an arc distance of 174.04 feet to a Point of Reverse Curvature with a curve concave to the Southwest, THENCE Northwesterly, along the arc of said curve having a radius of 25.00 feet, a delta of 73°37'02", and an arc distance of 32.12 feet to a Point of Tangency, THENCE South 89°37'21" West, a distance of 109.25 feet, THENCE South 00°22'39" East, a distance of 125.00 feet to the south line of said Tract 72, Block 58; THENCE South 89°37'21" West along said South line, a distance of 293.15 feet; THENCE North 00°16'18" West along a line 30 feet East of an parallel to the West line of said Tract 72, Block 58, a distance of 660.00 feet to the POINT OF BEGINNING;

Said lands lying in the COUNTY OF PALM BEACH, FLORIDA containing 9.000 acres more or less.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

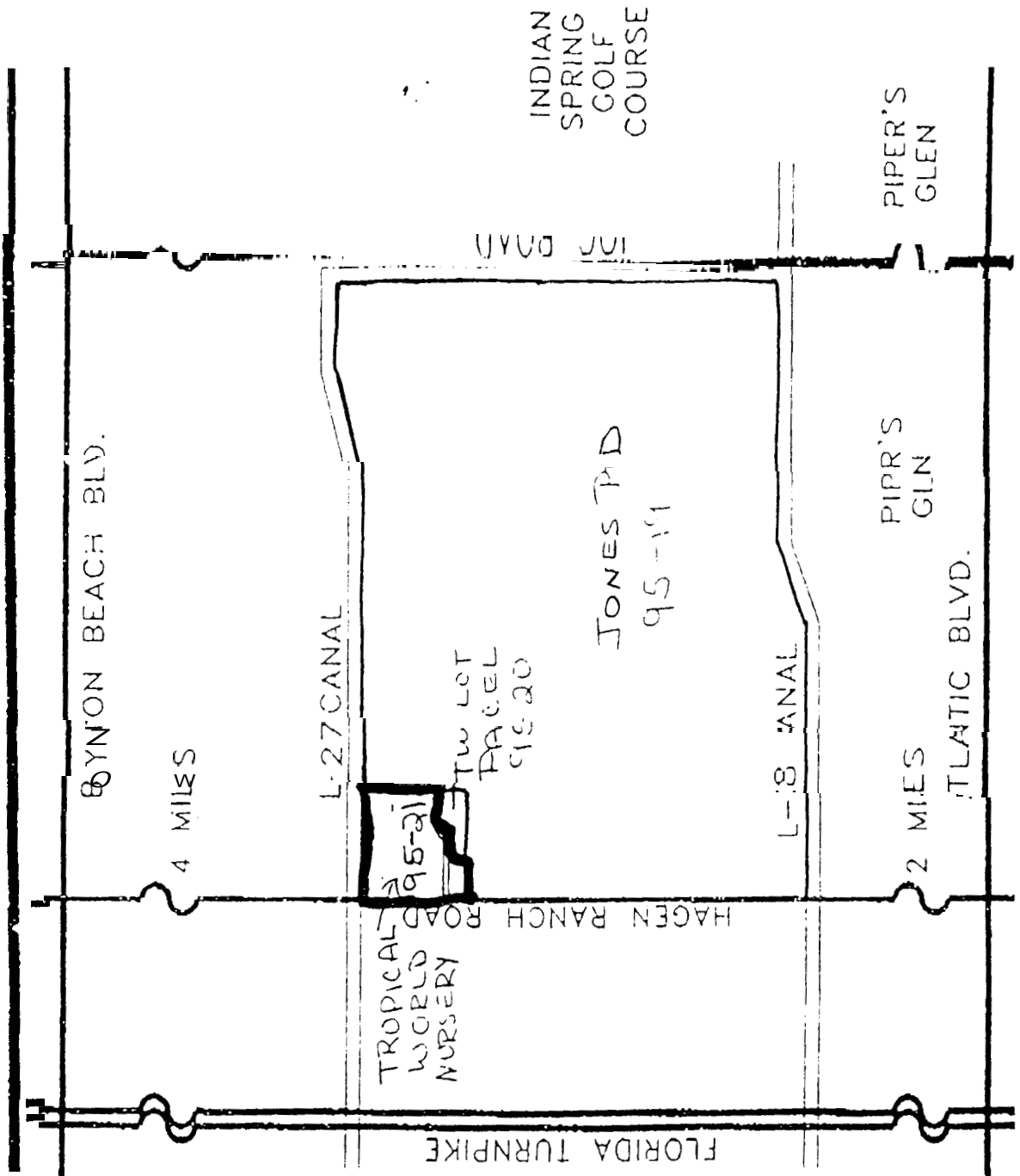


EXHIBIT C

CONDITIONS OF APPROVAL

A. LWDD

1. Prior to final site plan certification, the Developer shall record an Easement or Quit Claim Deed, whichever the owner prefers, for the North 70 feet of Tracts 71 and 72, Block 58 and the North 70 feet of the West 30 feet of Tract 70, Block 58 Palm Beach Farms Company Plat No. 3, recorded in Plat Book 2 Pages 45 to 54 for the right of way for LWDD L-27 Canal. (DRC:LWDD)

B. BUILDING AND SITE DESIGN

1. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier. (DRC:BUILDING-Zoning)
2. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or cut vegetation, such as dumpsters and trash compactors, shall not be located within one-hundred (100) feet of the east property line. (DRC:BUILDING-Zoning)
3. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be revised to reflect the overall one hundred (100) feet LWDD L-27 Canal on the north property line and the abandonment or removal agreement for the existing 12' FPL easement. (DRC:LWDD-Zoning)
4. Prior to final site plan certification by the Development Review Committee (DRC), the petitioner shall amend the concurrency reservation to indicate the maximum square footage of retail and accessory uses approved by the Board of County Commissioners on January 25, 1996. (DRC:ZONING)

C. LANDSCAPING

1. All trees within the Hagen Ranch Road ten (10) foot Landscape Buffer shall be installed at a minimum fourteen (14) foot height and planted at an equivalent of one tree per twenty (20) linear feet of property line. (CO:LANDSCAPE-Zoning)

D. USE LIMITATION

1. Retail hours of operation and loading activities shall be limited to 7:00 a.m. to 7:00 p.m. daily. This condition shall not restrict evening organizational or educational meetings being conducted in the retail center. (CODE ENFORCEMENT-Zoning)
2. The operation of heavy machinery or refrigerated vehicles shall be prohibited from 7:00 p.m. to 7:00 a.m. daily. (CODE ENFORCEMENT-Zoning)
3. Repair or maintenance of vehicles shall not be permitted on site. (CODE ENFORCEMENT-Zoning)

E. ENGINEERING

1. The Property owner shall construct a left turn lane, north approach on Hagen Ranch Road at the project's entrance road. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng)
 - b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng).
2. The property owner 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, Zoning Petition 95-21, to be paid at the time of issuance of the Building Permit presently is \$1,980.00 (36 additional trips X \$55.00 per trip) (BLDG PERMIT:IMPACT FEE COORDINATOR).
3. The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Committee. (PLAT:ENGINEERING)

F. SIGN

1. Signage shall be limited to one (1) sign on Hagen Ranch Road with a maximum height of ten (10) feet measured from finished grade to highest point and a maximum sign face area of 100 square feet per side. (BLDG PERMIT:BUILDING-Zoning)

G. LIGHTING

1. All outdoor lighting used to illuminate the subject property shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BLDG PERMIT:CODE ENFORCEMENT-Zoning)
2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (BLDG PERMIT:BUILDING-Zoning)

H. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or

- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC 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; and/or
- d. Referral to code enforcement; and/or
- e. Imposition **of** entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may **be** taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), **as** amended. Appeals of any revocation **of** an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.
(MONITORING)