

RESOLUTION NO. R- 89-1055

RESOLUTION APPROVING ZONING PETITION NO. 84-95(B)  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF MISSION BAY DEVELOPMENT COMPANY

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 Ordinance No. 73-2 have been satisfied: and

WHEREAS, Petition No. 84-95(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 28, 1988: and

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

1. This proposal is consistent with the requirements of the Comprehensive and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 84-95(B), the petition of MISSION BAY DEVELOPMENT COMPANY, INC., by James G. Brady, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying on Mission Bay PUD according to the Plat hereof, Plat Book 53, Page 112 et seq., being located on the west side of US 441 (SR 7), approximately 1.3 miles south of Yamato Road Extension in the RTS-Residential Transitional Suburban Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval, unless expressly modified herein.
2. The petitioner shall submit, simultaneously with the submittal of the application for Site Plan Review Committee, a mylar copy of Exhibit No. 52 (Mission Bay/Loggers Run Buffer).

3. All building plans for parcel "I", submitted to the Building Department for permitting, shall contain landscape plans for that portion of the twenty-five (25) foot buffer abutting or within the lot. The landscape plan shall reflect the intent of Exhibit No. 52, as found in the Zoning Petition file.
4. Condition No. 38 of Zoning Petition No. 84-95, Zoning Resolution No. R-1832, which currently states;

"38. Mission Bay Development Company, Inc. agrees to provide single family, detached patio homes with a minimum rear yard set back of ten (10) feet in addition to the twenty-five (25) foot Planned Unit Development buffer in the southwest development parcel as provided in the Master Land Use Plan of the Mission Bay Planned Unit Development. All single family units in this parcel shall be one (1) story in height."

is hereby amended to read as follows:

"Mission Bay Development Company, Inc. agrees to provide single family, detached homes, satisfy minimum property development regulations of Section 500.21.k.4.a (Single Family Detached-Separate) or Section 500.21.k.4.c (Single Family Detached - Patio Home) in addition to the twenty-five (25) foot Planned Unit Development buffer in the southwest development parcel as provided in the Master Land Use Plan of the Mission Bay Planned Unit Development. All single family units in this parcel shall be limited to a maximum thirty (30) foot roof height as defined in the Zoning Code."

5. Condition No. 33 of Zoning Petition No. 84-95, Zoning Resolution No. R-1832, which currently states:

"33. Mission Bay Development Company, Inc. agrees to maintain the row of pine trees located in the right-of-way of the north/south canal running contiguous to the western property line of the Mission Bay Planned Unit Development and forming the eastern property line of the Loggers Run Planned Unit Development. Mission Bay Development Company, Inc. agrees to plant additional Australian Pines and natural vegetation in any gaps in said row of pine trees for the purpose of providing a continuous pine tree visual buffer between the improvements constructed within the Loggers Run Planned Unit Development and to be constructed within the Mission Bay Planned Unit Development."

is hereby amended to read as follows:

"Mission Bay Development Company, Inc. agrees to maintain the row of pine trees located in the right-of-way of the north/south canal running contiguous to the western property line of the Mission Bay Planned Unit Development and forming the eastern property line of the Loggers Run Planned Unit Development until such time that it may be removed by the Home Owner's Association. Mission Bay Development Company, Inc. agrees to plant additional natural vegetation in any gaps in said row of pine trees for the purpose of providing a continuous pine tree visual buffer between the improvements constructed within the Loggers Run Planned Unit Development and to be constructed within the Mission Bay Planned Unit Development."

6. Condition No. 34 of Zoning Petition No. 84-95, Zoning Resolution No. R-1832, which currently states:

"34. Mission Bay Development Company, Inc. agrees to construct a landscape berm system within twenty-five (25) feet of the Planned Unit Development buffer along the west property line of the Mission Bay Planned Unit Development for the purpose of providing a continuous landscape berm system behind the residences to be constructed within the Mission Bay Planned Unit Development. This landscape berming system is in addition to the pine tree row and natural vegetation presently existing in the canal right-of-way west of the Mission Bay property line."

is hereby amended to read as follows:

"Mission Bay Development Company, Inc. agrees to construct a landscape berm system within the twenty-five (25) foot Planned Unit Development buffer along the west property line of the Mission Bay Planned Unit Development for the purpose of providing a continuous landscape berm system behind the residences to be constructed within the Mission Bay Planned Unit Development. In addition to the foregoing, the developer of parcel "I" shall install within the portion of the twenty five (25) buffer on the western property line of parcel "I" the following:

- a. A six (6) foot high opaque fence; and,
- b. A typical lot buffer planting as represented by Exhibit 52.

The six (6) foot high opaque fence shall be installed prior to the construction of homes. The typical lot buffer planting shall be installed prior to the issuance of Certificate of Occupancy for each home."

7. All prohibited plant species within the twenty five (25) foot buffer along the western portion of Mission Bay Planned Unit Development shall be eradicated. This eradication program shall not commence until the construction of the required landscape berm has begun.
8. Condition **No. 11** of Zoning Petition **No. 84-95**, Resolution **No. R-1832**, which presently states:

**"11.** The developer shall construct Cain Boulevard from the project's north property line south to Glades Road within the PUD at the time of the filing of the adjacent plats or when required by the County Engineer for the continuity for Cain Boulevard."

**Is** hereby amended to read **as** follows:

"The developer shall construct Cain Boulevard from the project's north property line south to Glades Road within the planned unit development at the time of the filing of the adjacent plats or when required by the County Engineer for the continuity for Cain Boulevard and shall be completed prior to February 1, 1989 or in conjunction with the park's access road.

9. Failure to comply with any conditions of approval may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Elmquist and, upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
James Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of October 28, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

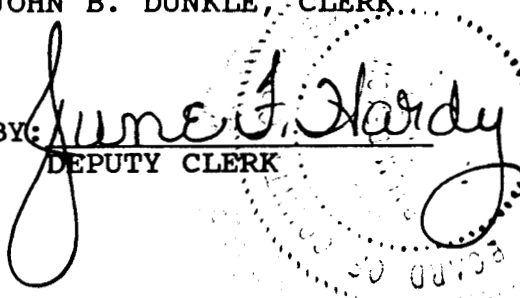
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK