

RESOLUTION NO. R-91-1709

RESOLUTION DENYING ZONING PETITION NO. 79-132(B)  
A REQUEST FOR A MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF W. G. LASSITER, R. S. JOHNSON AND LACECO, 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. 79-132(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on July 25, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, pursuant to the Zoning Code of Palm Beach County, Florida, Sections 102, 200.2 and 402.5, 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, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is not consistent with the requirements of the Comprehensive Plan and local Land Development Regulations.
2. This proposal is not consistent with the current Traffic Performance Standards and prior Conditions of Approval have not been met.
3. This proposal is not the new petition which the Board of County Commissioners directed the applicant to provide at the November 27, 1990 hearing, which was to address all current codes including traffic.

WHEREAS, Chapter 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. 79-132(B), the petition of W. G. LASSITER, R. S. JOHNSON AND LACECO, INC., BY KIERAN J. KILDAY, AGENT, FOR MODIFICATION OF COMMISSION REQUIREMENTS REGARDING CONDITION NO. 8 (IMPACT FEES) OF RESOLUTION R-79-922, on a parcel of land commencing at a point 40 feet South of the North line of Section 6, Township 45 South, Range 43 East, and the Westerly right-of-way line of Congress Road as now established, go Southerly and Easterly along the Westerly right-of-way line of Congress Road on an arc having a radius of 1,960.08 feet, for a distance of 400 feet to the POINT OF BEGINNING and North-East corner of the tract to be described; thence Southerly and Easterly along the Westerly right-of-way line of Congress Road, a distance of 790 feet; thence South 47°30'28" West a distance of 330 feet; thence West 195 feet; thence Westerly and Northerly parallel to the

said Westerly right-of-way line of Congress Road a distance of 1,035 feet to a point 490 feet West of the POINT OF BEGINNING; thence East parallel to the North line of said Section 6 Township 45 South, Range 43 East, to the POINT OF BEGINNING; AND, COMMENCING at a point 40 feet South of the North line of Section 6, Township 45 South, Range 43 East and on the Westerly right-of-way line of Congress Road as now established, go Southerly and Easterly along the Westerly right-of-way line of Congress Road, on an arc having a radius of 1,960.08 feet for a distance of 400 feet; thence West parallel of the North line of said Section 6, a distance of 490 feet, more or less, to an arc having a radius of 2,442 feet; thence Northerly on a arc parallel to the Westerly right-of-way line of Congress Road, 400 feet, more or less, to the line 40 feet South of and parallel to the North line of said Section 6; thence East along said last mentioned line to the POINT OF BEGINNING, and being located ON THE W SIDE OF CONGRESS AVE., APPROX. .1 MILE S OF LANTANA RD., in the CG Zoning District, was denied on July 25, 1991, with prejudice.

Commissioner Elmquist moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of November, 1991.

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

RECORDER'S MEMO: Legibility  
of Writing, Typing or Printing  
unsatisfactory in this document  
when received.

Meeting Date: November 26, 1991

Agenda Item #: 3-5 1-0

*R-91-1709  
THRA  
R-91-1721*

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Consent (X)      Regular ( )      Ordinance ( )      Public Hearing ( )

**I. EXECUTIVE BRIEF**

Request Submitted By: Planning, Zoning and Building Department/Zoning  
For: \_\_\_\_\_

**Motion and Title:** Staff recommends motion to adopt: Resolutions for Zoning Petitions heard by the Board of County Commissioners (Zoning Authority) on July 25, August 29 and September 4, 1991, as follows:

Denied Petition - July 25, 1991:

79-132(B)                      MODIFICATION OF COMMISSION REQUIREMENTS *R-91-1709*

Approved Petitions - August 29, 1991:

82-53(B)                      MODIFICATION OF COMMISSION REQUIREMENTS *R-91-1710*

89-15(A)                      MODIFICATION OF COMMISSION REQUIREMENTS *R-91-1711*

91-3 (A)                      SPECIAL EXCEPTION *R-91-1712*

91-14                          REZONING *R-91-1713*

91-26                          REZONING *R-91-1714*

*91-32                          REZONING & SPECIAL EXCEPTION - postponed 30 days - R/mc 7-*

91-33                          REZONING *R-91-1715*

91-39                          REZONING & SPECIAL EXCEPTION *R-91-1716 + R-91-1717*

91-41                          SPECIAL EXCEPTION *R-91-1718*

SR 85-165(C)                      REZONING & REVOCATION *R-91-1719 + R-91-1720*

Approved Petition - September 4, 1991:

78-287(G)                      SPECIAL EXCEPTION *R-91-1721*

**SUMMARY:** The above zoning petitions were heard by the Board of County Commissioners (Zoning Authority) on July 25, August 29 and September 4, 1991, and are now ready to be adopted by the Board of County Commissioners (Legislative Authority) as resolutions.

**Background and Justification:** Pursuant to the Palm Beach County Zoning Code the Board of County Commissioners is authorized to change district boundaries (rezonings), consider requests for special exceptions, add or modify conditions of approval, or revoke special exceptions at public hearings for Zoning Petitions. The following resolutions reflect the actions of the Board, sitting as the Zoning Authority, for the above Zoning Petitions on the dates specified.

**Attachments:**

- a. Petition Summaries
- b. Resolutions  
(can be viewed in Administration)

(SEE PAGE 2 FOR OFMB/PREM COMMENTS)

Recommended by: \_\_\_\_\_

Department Director

Date 10/28/91

REZONING 1

COPY  
Summit  
mt.

PKS

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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. 91-32 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on August 29, 1991; 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 the 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 Plan and local land development regulations.

WHEREAS, Chapter 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. 91-32, the petition of ROBERT L., SR. AND RUTH HOWARD, BY ROBERT L. HOWARD, JR., AGENT, for a REZONING FROM AR TO SA on a parcel of land situated in Section 6, Township 41 South, Range 42 East, being more particularly described as follows: COMMENCING at the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 6; thence S89°45'41"E along the south line of said Section 6, a distance of 999.42 feet, to the POINT OF BEGINNING; thence N01°52'46"E a distance of 1,005.42 feet; thence S89°45'41"E a distance of 100.00 feet; thence N01°52'46"E a distance of 92.02 feet; thence S89°45'41"E a distance of 236.89 feet; thence N01°52'46"E a distance of 253.31 feet; thence S89°47'41"E a distance of 300.85 feet; thence S01°41'28"W a distance of 1,005.77 feet; thence N89°45'41"W a distance of 303.88 feet; thence S01°52'46"W a distance to 335.05 feet, to a point in the south line of said Section 6; thence N89°45'41"W along the south line of said Section 6, a distance of 336.89 feet to the POINT OF BEGINNING; SUBJECT TO a 60.00 foot road easement running adjacent with certain portions of this property as described and recorded in Official Record Book 1698, Page 316, and being located ON THE SW CORNER OF INTERSECTION OF 172ND ST. N. AND 94TH TERR. N., APPROX. .5 MILE E OF JUPITER FARMS RD., was approved on August 29, 1991, as advertised.

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Commissioner \_\_\_\_\_ moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--
Carole Phillips	--
Carol A. Roberts	--
Carol J. Elmquist	--
Mary McCarty	--
Ken Foster	--
Maude Ford Lee	b--

The Chair thereupon declared the resolution was duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

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



RESOLUTION NO. R-91-

RESOLUTION APPROVING ZONING PETITION NO. 91-32  
SPECIAL EXCEPTION PETITION OF ROBERT L., SR. & RUTH HOWARD

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. 91-32 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on August 29, 1991; 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 the 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 Plan and local land development regulations.

WHEREAS, Chapter 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. 91-32, the petition of ROBERT L., SR. AND RUTH HOWARD, BY ROBERT L. HOWARD, JR., AGENT, for a SPECIAL EXCEPTION TO ALLOW A POTTING SOIL MANUFACTURING CHIPPING AND MULCHING FACILITIES on a parcel of land situated in Section 6, Township 41 South, Range 42 East, being more particularly described as follows: COMMENCING at the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 6; thence S89°45'41"E along the south line of said Section 6, a distance of 999.42 feet, to the POINT OF BEGINNING; thence N01°52'46"E a distance of 1,005.42 feet; thence S89°45'41"E a distance of 100.00 feet; thence N01°52'46"E a distance of 92.02 feet; thence S89°45'41"E a distance of 236.89 feet; thence N01°52'46"E a distance of 253.31 feet; thence S89°47'41"E a distance of 300.85 feet; thence S01°41'28"W a distance of 1,005.77 feet; thence N89°45'41"W a distance of 303.88 feet; thence S01°52'46"W a distance to 335.05 feet, to a point in the south line of said Section 6; thence N89°45'41"W along the south line of said Section 6, a distance of 336.89 feet to the POINT OF BEGINNING; SUBJECT TO a 60.00 foot road easement running adjacent with certain portions of this property as described and recorded in Official

Record Book 1698, Page 316, and being located on the SW CORNER OF INTERSECTION OF 172ND ST. N. AND 94TH TERR. N., APPROX. .5 MILE E OF JUPITER FARMS RD., was approved on August 29, 1991, as advertised, subject to the following conditions:

**A. STANDARD CONDITIONS**

1. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.
2. This special exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 26). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7 (E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval.

**B. ENVIRONMENTAL RESOURCES MANAGEMENT**

1. Secondary containment for stored Regulated Substances - fuels, oils, solvents, or other hazardous chemicals - is required. The Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures.
2. Prior to site plan certification the Petitioner shall verify with the Department of Environmental Resources Management (ERM) the size, location, and condition of any aboveground tanks used on-site to store regulated substances. No underground tanks shall be permitted on-site without the approval of ERM.

**C. HEALTH**

1. The application and engineering plans to construct on site potable water supply and/or on-site sewage disposal system must be submitted to the Health Unit prior to site plan approval.
2. All portable sanitary facilities shall be removed from the site prior to site plan approval.

**D. LANDSCAPING AND BUFFERING**

1. Along all east and south property lines the petitioner shall preserve a twenty-five (25) foot wide native vegetation easement. This easement shall be cleared of all prohibited species and shall be supplemented to ensure a minimum density of one native tree for every 250 square feet of preservation area. The preservation area shall be supplemented with continuous twenty-four (24) inch high native understory plant material. Credit may be given for native plant material in these areas meeting these requirements.

2. A six (6) foot high wooden fence shall be installed along the southern most property line. Native canopy trees planted twenty (20) feet on center shall be installed on the exterior side of the required fence. Existing native vegetation meeting this criteria may be counted towards this requirement.
3. The north and west boundaries of the material and mulch storage areas shall be delineated by a minimum five (5') foot high fence.
4. No mulching, chipping, storage, or other outdoor activity shall be permitted within 250 feet of the southernmost property boundary running adjacent to the south Indian River Water Control District canal.
5. All landscaping required to be installed on site by this approval shall meet the following minimum standards, except as may be superseded by the Landscape Betterment Plan:
  - a. Tree height - fourteen (14) feet;
  - b. Trunk diameter - 3.5 inches at 4.5 feet above grade; and
  - c. Canopy diameter - Seven (7) feet.
6. Landscaping and buffering required along the east and south property lines (Condition D.1.) may be superseded by a Landscape Betterment Plan approved by the Zoning Division prior to site plan certification. At a minimum, the Landscape Betterment Plan shall incorporate one native tree for every 250 square feet of landscape area and twenty four (24) inch high native understory plant material a minimum of twenty four (24) inches on center.

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
2. Prior to Site Plan approval the property owner shall enter into a perpetual maintenance agreement for the existing truck route from Jupiter Farms Road. This maintenance agreement shall remain in effect as long as the special exception remains active.



3. The Property owner shall re-construct the existing access from Jupiter Farms Road to a minimum of a twenty (20) foot travel lane. Construction of a shellrock road is acceptable. This construction shall be concurrent with the Drainage Permit and shall be completed within 90 days of issuance of this Drainage Permit.
4. 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 at the time of the Building Permit presently is \$1,595.00 (29 trips X \$55.00 per trip).
5. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney.

F. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets.
2. Lighting fixtures shall not exceed twenty (20) feet in height and shall be for security purposes only.

G. RECYCLE SOLID WASTE

1. The property owner shall participate in a household recycling program when available in the area. Household material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.

H. SIGNS

1. The signs on the site shall be limited as follows:
  - a. Maximum sign number - One (1).
  - b. Maximum sign size - Twenty (20) square feet.
  - c. Maximum sign height - Six (6) feet.
2. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site.

I. SITE SPECIFIC

1. Access to the site shall be a minimum of twenty-five (25) feet wide at the right-of-way. The access driveway shall be a minimum of five (5) feet away from the west property line.

**J. USE LIMITATIONS**

1. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives.
2. Overnight storage or parking of delivery vehicles or trucks over one (1) ton capacity shall not be permitted on site.
3. Incineration shall not be permitted on the site.
4. Operation hours shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday and 9:00 a.m. to 12:00 noon on Saturdays. The facility shall be closed on Sundays.
5. No additional residential square footage shall be permitted on the site.
6. The use of the facility shall be limited to chipping and mulching of only organic vegetative material.
7. The maximum height of stock-piled material shall not exceed twelve (12) feet.
8. The operation of grinding or mulching equipment shall not be permitted on Saturdays, Sundays, or holidays recognized by Palm Beach County.
9. Storage of material shall be limited to only the areas indicated for storage on the certified site plan.
10. Grinding activity (mulching) shall be placed at a minimum distance of 300 feet from the south property line and at a minimum of 100 feet from all other property lines.
11. The property owner shall not operate any machinery or use which exceeds 50 decibels at any property line at any time.
12. Petitioner shall file a list of equipment being used in the operation with the Code Enforcement Division, which may be updated from time to time.
13. Petitioner shall maintain property damage and liability insurance coverage in the minimum amount of \$500,000 total coverage.
14. Petitioner shall accept vegetative yard debris from Jupiter Farms residents on Saturday mornings at 1/2 the normal cost for the first 3 cubic yards of debris.

**K. VEGETATION PROTECTION AND PRESERVATION**

1. Native vegetation not located within buffer areas for removal, and deemed relocatable by the Zoning Division, shall be relocated to perimeter buffers or other open space areas on site.

**DO1 1700**

2. Prior to removal of any vegetation on site, the petitioner shall schedule a Pre-clearing Inspection with the Zoning Division. All transplantable native vegetation shall be identified, numbered, tagged and incorporated into the landscape plan.
3. No vegetation removal or development activity such as trenching, grade changes or grubbing that may cause injury to the vegetation shall be permitted in required buffer areas.
4. All prohibited species shall be removed from the subject property prior to October 1, 1992.

**L. COMPLIANCE**

1. As provided in 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.

2. The Code Enforcement Division shall annually inspect the subject property to ensure compliance with all conditions of approval and all applicable codes and regulations, commencing on August 29, 1992.

Commissioner \_\_\_\_\_ moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--
Carole Phillips	--
Carol A. Roberts	--
Carol J. Elmquist	--
Mary McCarty	--
Ken Foster	--
Maude Ford Lee	--

The Chair thereupon declared the resolution was duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

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

RECORDER'S MEMO: Legibility of Writing, Typing or Printing unsatisfactory in this document when received.