

RESOLUTION NO. R-92- 366

RESOLUTION APPROVING ZONING PETITION NO. 91-53
REZONING PETITION OF BOARD OF COUNTY COMMISSIONERS

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. 91-53 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on December 9, 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. 91-53, the petition of BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, BY DENNIS ESHLEMAN, AGENT, for a REZONING FROM AR TO PO on a parcel of land lying in the Southeast 1/4 of Section 27, Township 46 South, Range 42 East, being: The West 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4, LESS the West 50.00 feet of road right-of-way, Section 27, township 46 south, Range 42 East; Parcel "B", recorded in Book 3163, Page 1677, described as follows: For the purpose of this description the bearing value South 87°23'50" West being the south boundary of "THE PLAT OF POLO CLUB EQUESTRIAN CENTER", Plat Book 61, Page 166; thence South 00°19'49" East along the west boundary line of "POLO CLUB PLAT III", Plat Book 59, Page 110, a distance of 297.12 feet to the southwest corner of said Polo Club Plat 111, being the north boundary of the plat of parcel P-1, The Polo Club in Plat Book 62, Page 188; thence continue South 00°19'49" East along said west boundary of said plat Parcel P-1 of Polo Club a distance of 383.74 feet to the southerly boundary of Palm Beach County School Board parcel known as "School Site S", Book 5121, Page 1603, along with Book 5028, Page 1628; thence South 89°24'42" West along said south boundary line of school site "S" a distance of 1,008.00 feet to the southwest boundary of said school site "S" also being the southeast boundary of Morikami Park Civic Center, the POINT OF BEGINNING of the herein

described parcel; thence continue South 89°24'42" West a distance of 255.38 feet intersecting the easterly right-of-way line of Jog Road as shown on Jog Road right-of-way map Drawing Number 86093, Palm Beach County Engineering Department; thence North 00°34'58" West along the easterly right-of-way line of Jog Road a distance of 680.65 feet intersecting the south boundary of Plat of "POLO CLUB EQUESTRIAN CENTER"; thence North 89°23'50" East along said south boundary plat of "Polo Club Equestrian Center" a distance of 258.61 feet; thence south 00°18'40" East a distance of 680.72 feet to the POINT OF BEGINNING; LESS AND EXCEPTING the southerly 25.00 feet for right-of-way, Book 3372, Page 0128, SUBJECT TO rights-of-way and easements, recorded or unrecorded, and being located ON THE E SIDE OF JOG RD., APPROX. .6 MILE S OF THE INTERSECTION OF JOG RD. AND LINTON BLVD., was approved on December 9, 1991, as advertised, subject to the following voluntary commitments:

A. STANDARD CONDITIONS

1. Development of the 4.016 acre site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 3).

B. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate.

C. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to site plan certification.

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 onsite 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.

F. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
3. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10D-6, F.A.C.

G. LANDSCAPING

1. Prior to issuance of a building permit, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval.
2. All trees required by the Zoning Code planted on site shall:
 - a. Be a minimum of fourteen (14) feet in height at installation.
 - b. Have a minimum diameter of three and one-half (3.5) inches measured at a point which is at least four and one-half (4.5) feet above existing grade level.
 - c. Have a minimum of five (5) feet of clear trunk and a minimum seven (7) foot canopy spread.

H. LANDSCAPE WITHIN MEDIAN

1. Prior to the first landscape inspection, the petitioner shall obtain permission from the Florida State Department of Transportation (FDOT) or the County Engineer, to landscape the median of all abutting rights-of-way. This landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median and appropriate ground cover. Trees may be planted singly or in clusters, with a maximum spacing or sixty (60) feet on center. All landscape material shall be selected according to xeriscape principles from the following list.

Trees:

Laurel Oak
 Live Oak
 Slash Pine
 Sabal Palmetto

Groundcover:

Wedilia
 Bahia Grass

Alternative species may be allowed subject to approval by the Zoning Division. 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 four (4) inch thick, high moisture retaining, marl based soil.
- c. Potting soil shall be placed around the plant root balls at time of planting.

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This landscaping shall be the maintenance obligation of the property owner, including irrigation, and shall be installed no later than within one year after the completion of the next phase of road improvements.

I. 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.
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement.

J. PARKING

1. Prior to issuance of a building permit, the County shall enter into, if possible, a shared parking agreement with the School Board of Palm Beach County to accommodate overflow parking.

K. RECYCLE SOLID WASTE

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

L. SIGNS

1. Signs fronting on Jog Road shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign face area - 100 sq. ft. total.
 - c. Maximum number of signs - one (1) monument style.

M. USE LIMITATION

1. No outdoor loudspeaker system audible off site shall be permitted.

N. VEGETATION PRESERVATION AND REMOVAL

1. Prior to issuance of a building permit, the petitioner shall submit a Vegetation Preservation Program acceptable to the Zoning Division. The program shall identify all trees to be preserved, or relocated and where they are to be relocated to, and shall establish appropriate protection measures during the construction and site development phases of the project.
2. Prior to removal of any vegetation on site, the petitioner shall schedule a Preclearing Inspection with the Zoning Division. All transplantable native vegetation shall be identified. Native vegetation identified to be transplanted shall be relocated to perimeter buffer areas or other open space areas or the site or adjacent park properties.

3. All prohibited species shall be removed from the subject property prior to the issuance of a Certificate of Occupancy (C.O.).

Commissioner McCarty moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Absent
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 10th day of March, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MILTON T. BAUER, CLERK

BY:


COUNTY ATTORNEY

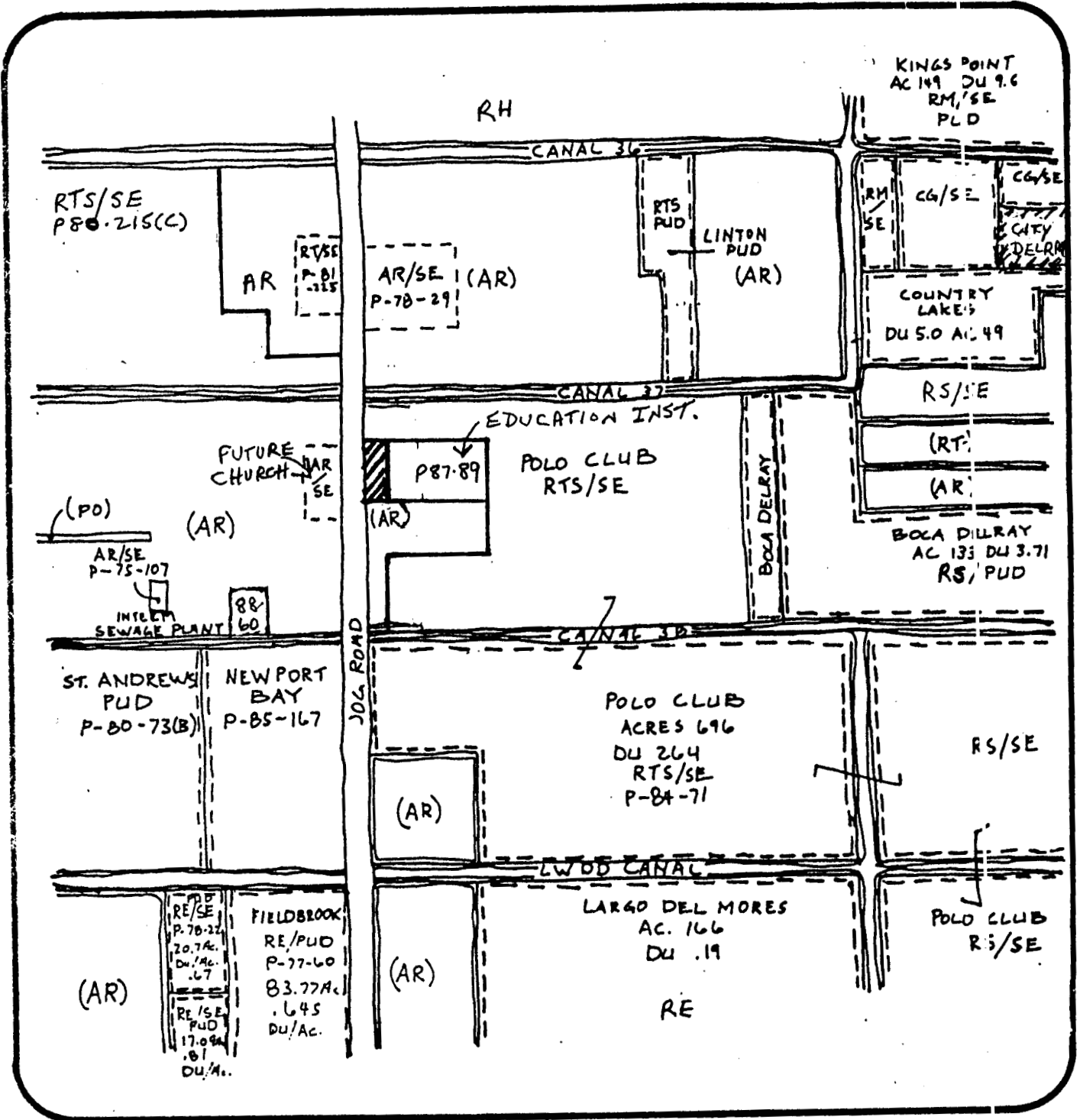
BY:


DEPUTY CLERK



Sec. 27 Twp. 46 Rng. 42
 Quadrant Sheet: 37
 Aerial Page: 353

Vicinity
 Sketch



Request:

A **REZONING** from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District.

PETITION NO: 91-53

BCC DISTRICT: 5

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