

RESOLUTION NO. R-89- 331

RESOLUTION APPROVING ZONING PETITION NO. 87-144
SPECIAL EXCEPTION PETITION OF HAGEN RANCH PROPERTIES CORPORATION

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. 87-144, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 29, 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 Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-144, the petition of HAGEN RANCH PROPERTIES CORPORATION, Beril Kruger, Agent, for a SPECIAL EXCEPTION TO PERMIT A COMMERCIAL SALES AND SERVICE ENTERPRISE OF AN AGRICULTURAL NATURE, on a parcel of land lying on the South half of Tract 89, less the West 25 feet thereof; Tracts 90, 91, 92, 93, 94, 95 and 96, Block 55, Palm Beach Farms Company Plat No. 3, according to the Plat thereof recorded in Plat Book 2, Page 50, being located on the East side of Hagen Ranch Road, approximately .7 mile South of Boynton Beach Boulevard (S.R. 804), in an AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:

- a. required paved parking areas
 - b. required landscaping in paved parking areas
 - c. required landscaping between all vehicular use areas and interior lot lines of abutting properties, this shall include trees 30 feet on center only
 - d. dimensions of interior circulation routes
 - e. the access shall be moved to the south to allow for the planting of trees and installation of the required five (5) foot landscape strip
 - f. an elevation clearly explaining the mulching and topsoil production process as it will occur on site.
 - g. the labeling of material and approximate quantities stored in individual locations on site.
2. Prior to site plan certification, the petitioner shall construct a barrier in the open area along the north property line (as indicated on the airphoto submitted with exhibit No. 17) to prohibit cross access and the storage of materials on the site to the north. This barrier shall be either:
 - a. A three (3) foot hedge that will attain a height of six (6) feet in two years; or
 - b. Treated 4 x 4 lumber posts spaced four feet on center set in concrete; or
 - c. Canopy trees spaced 20 feet on center; or
 - d. Any other suitable means acceptable to the Zoning Division.
 3. Prior to site plan certification, the petitioner shall submit a revised survey and ground photos of the site which will substantiate the removal of all illegal structures on site.
 4. The petitioner shall either remove the portion of any structure that lies within the setback area or seek relief from the Board of Adjustment.
 5. Prior to site plan certification, the petitioner shall submit a copy of all the building permits issued on site. The petitioner shall delineate upon the site plan the building permit number and year it was issued for each structure shown.

6. No composting shall take place on site. Use of the site shall be limited to potting soil processing and nursery.
7. The petitioner shall provide a 25 foot landscape buffer along Hagen Ranch Road and shall supplement this buffer with a double, alternate row of canopy trees planted 30 feet on center. This 25 foot buffer shall also contain a six foot high bern hedge combination. The trees shall be native canopy trees a minimum of 10 feet in height upon planting.
8. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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.

The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.

9. The property owner shall reconstruct the existing shell rock turnout to provide for a paved driveway a minimum of 100 feet and relocate the existing drive a minimum of 25 feet south of this existing location concurrent with onsite paving and drainage improvements.
10. 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 presently is \$4,019.00 (150 trips X \$26.79 per trip).
11. Prior to site plan approval the developer shall establish a limited access easement along Hagen Ranch Road subject to approval by the County Engineer.
12. No off-premise signs shall be permitted on the site.
13. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan

approval (or prior to issuance of Building Permit for straight rezoning).

14. The mulching activity that is currently occurring in the southwest corner of the site shall be relocated to the center of the site with a minimum setback of 200 feet from all property lines.
15. Prior to site plan certification, the petitioner shall demonstrate to the satisfaction of the Health Department that the operation of the facility satisfies all applicable pollution control requirements, in particular, in order to ensure compliance with regulations governing unconfined emissions of particulate matter, Florida Administrative Code Rule 17-2.610(3), the petitioner shall take reasonable precautions that include, but are not limited to, the following:
 - a. Adequate containment structures at the operational points.
 - b. Sufficient water sprinkling.
16. Petitioner shall cease operation upon receipt of a complaint to the Health Department that pollution control rules have been violated. Operation may be resumed upon a determination by the Health Department that no code violation exists or otherwise as provided by law.
17. All construction and vegetative debris not associated with the nursery and/or chipping operation shall be removed by April 30, 1988.

Commissioner Adams 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	--	Abstained
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of February 29, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Susan Lubat
COUNTY ATTORNEY

BY:

June A. Hardy
DEPUTY CLERK

