

RESOLUTION NO. R-92-195

RESOLUTION APPROVING ZONING PETITION NO. 91-49  
REZONING PETITION OF TIM SLATTER

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. 91-49 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on October 24, 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. 91-49, the petition of TIM SLATTER, BY WARREN H. NEWELL, AGENT, for a REZONING FROM RS TO CC DISTRICT on a parcel of land situated in Lot 1, Block 2, MEADOW PARK, according to the Plat thereof, as recorded in Plat Book 22, Page 7, as in Section 8, Township 44 South, Range 43 East, and being located ON THE SE CORNER OF THE INTERSECTION OF CONGRESS AVE. AND CHEROKEE RD.; was approved on October 24, 1991, as advertised, subject to the following voluntary commitments:

A. ALL PETITIONS

1. 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. 3).

B. BUILDING AND SITE DESIGN

1. Prior to issuance of a paving and drainage permit, the petitioner shall amend the site plan to indicate the following:

- (a) A fifty-three (53) foot right-of-way on Congress Avenue.
- (b) Two (2), twenty-five (25) foot safe site corners at the project's access.
- (c) Tabular data.

C. 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.

D. 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.

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 February 1, 1992 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Congress Avenue, 53 feet from centerline free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
- 3. No access to the site shall be permitted from Congress Avenue.

F. LANDSCAPING - GENERAL

- 1. Prior to issuance of a Paving and Drainage 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 additional trees 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.

G. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING CHEROKEE ROAD)

1. Landscaping within the ten (10) foot required buffer along Cherokee Road shall be upgraded to include:
  - a. One native canopy tree planted every twenty (20) feet on center.
  - b. Twenty-four (24) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.

H. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the eastern property line shall be upgraded to include:
  - a. A minimum seven (7) foot wide landscape buffer strip.
  - b. A six (6) foot high opaque wall installed on the property line.
2. The following landscaping requirements shall be installed on the interior side of the required wall:
  - a. One native canopy tree planted every twenty (20) feet on center.
  - b. Twenty-four (24) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.

I. LANDSCAPE WITHIN MEDIAN

1. Prior to the first landscape inspection, the petitioner shall seek, in good faith, 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 one (1) twelve (12) foot tall native canopy 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. Alternative species may be allowed subject to approval by the Department of Environmental Resources Management.

Trees :

Turkey Oak  
Live Oak  
Slash Pine

Ground cover:

Saw Palmetto  
Wedilia  
Bahia Grass

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 3-4 inch thick, high moisture retaining, marl based soil.
- c. Potting soil shall be placed around the plant root balls at time of planting.

This landscaping shall be the daily maintenance obligation of the property owner including irrigation for ninety (90) days from installation, and shall be installed prior to October 24, 1992.

In the event that permission to landscape the median is denied in writing, and the letter of denial is filed with the Zoning Division, this condition shall be of no further force and effect.

J. LIGHTING

1. Lighting fixtures shall not exceed twenty (20) feet in height. Lighting fixtures within fifty (50) feet of residential areas shall not exceed a height of twelve (12) feet in height.
2. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement.
3. Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and structures.

K. PARKING

1. A maximum of 40 parking spaces shall be permitted on-site.
2. Both the subject petition and the adjacent property to the south [Petition No. 84-164(A)] shall utilize shared parking and circulation arrangements acceptable to the Planning, Zoning and Building Department.

L. SIGNS

1. Signs fronting on Cherokee Road shall be limited as follows:

- a. Maximum sign height - six (6) feet.
  - b. Maximum total sign face area - forty-eight (48) square feet.
  - c. Maximum number of signs - one (1) monument style.
2. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval.

M. UNITY OF TITLE

- 1. Prior to February 1, 1992, the petitioner shall record a Unity of Title covering the subject and adjacent property, Petition No. 84-164(A), in a form acceptable to the County Engineering Department. The Unity of Title may only be broken with the consent of the Director of the Planning, Zoning and Building Department and the County Engineer.

N. VEGETATION PRESERVATION

- 1. The petitioner shall preserve/relocate the existing native vegetation on site and shall incorporate it into the project design.

Commissioner Roberts moved for approval of the Resolution.

The motion was seconded by Commissioner McCarty 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 4th day of February, 1992.

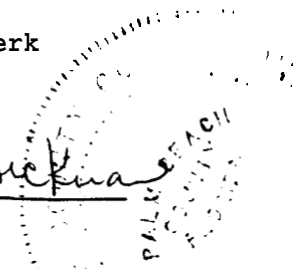
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

Milton T. Bauer, Clerk

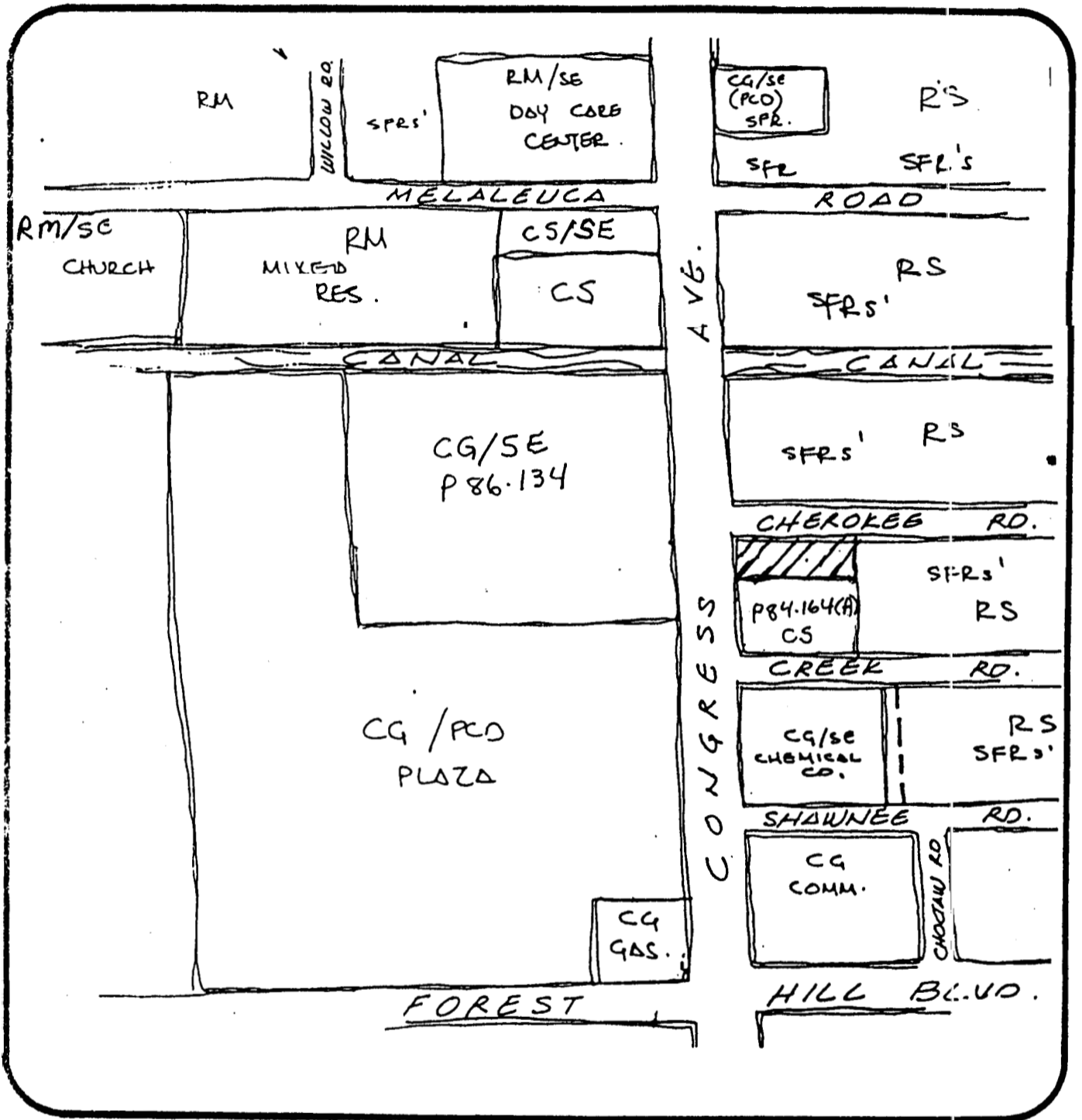
BY: *Babur Attar*  
COUNTY ATTORNEY

BY: *Linda C. Hickman*  
DEPUTY CLERK



See. 8 Twp. 44 Rng. 43  
 Quadrant Sheet: 17  
 Aerial Page:

Vicinity  
 Sketch



Request:

A **REZONING** from the Single-Family Residential (RS) Zoning District to the Community Commercial (CC) Zoning District.

PETITION NO: 91-49

BCC DISTRICT: 2