

RESOLUTION NO. R-94-777

RESOLUTION APPROVING ZONING PETITION **Z94-19**
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF MARJORIE O. PUTT AND LUCINDA D. PAPANDREAS

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance **92-20**), have been satisfied; and

WHEREAS, Zoning Petition **Z94-19** was presented to the Board of County Commissioners at a public hearing conducted on June 23, 1994; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

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

1. This official zoning **map** amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning **map** amendment (rezoning) is consistent with the requirements of the Palm Beach County Land Development Code;
3. This official zoning **map** amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Land Development Code, Ordinance 92-20; and,
7. This official zoning **map** amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition **Z94-19**, the petition of Marjorie O. Putt & Lucinda D. Papandreas, for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Residential Medium (**RM**) ZONING DISTRICT to the Community Commercial (CC) ZONING DISTRICT with a CONDITIONAL OVERLAY ZONE (COZ) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 23, 1994, subject to the conditions of the Conditional Overlay Zone described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

| | |
|----------------------|-----------|
| Mary McCarty, Chair | -- Aye |
| Burt Aaronson | -- Aye |
| Ken Foster | -- Absent |
| Maude Ford Lee | -- Absent |
| Karen T. Marcus | -- Aye |
| Warren Newell | -- Aye |
| Carol A. Roberts | -- Aye |

The Chair thereupon declared that the resolution was duly passed and adopted this 23rd day of June, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Richard Patton*
COUNTY ATTORNEY

BY: *Lina M. Blair*
DEPUTY CLERK

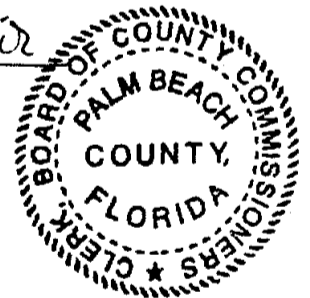


EXHIBIT A
LEGAL DESCRIPTION

1470 SOUTH CONGRESS AVENUE
WEST PALM BEACH, FLORIDA 33406

LEGAL DESCRIPTION:

THE SOUTH .12 FEET OF LOT 2 AND ALL OF LOT 3,
BLOCK 3, LAGUNA PARK NO. 1, ACCORDING TO THE
PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK
OF THE **CIRCUIT** COURT IN AND FOR PALM BEACH COUNTY,
FLORIDA, RECORDED IN PLAT BOOK 21, PAGE 53.

EXHIBIT B
VICINITY SKETCH

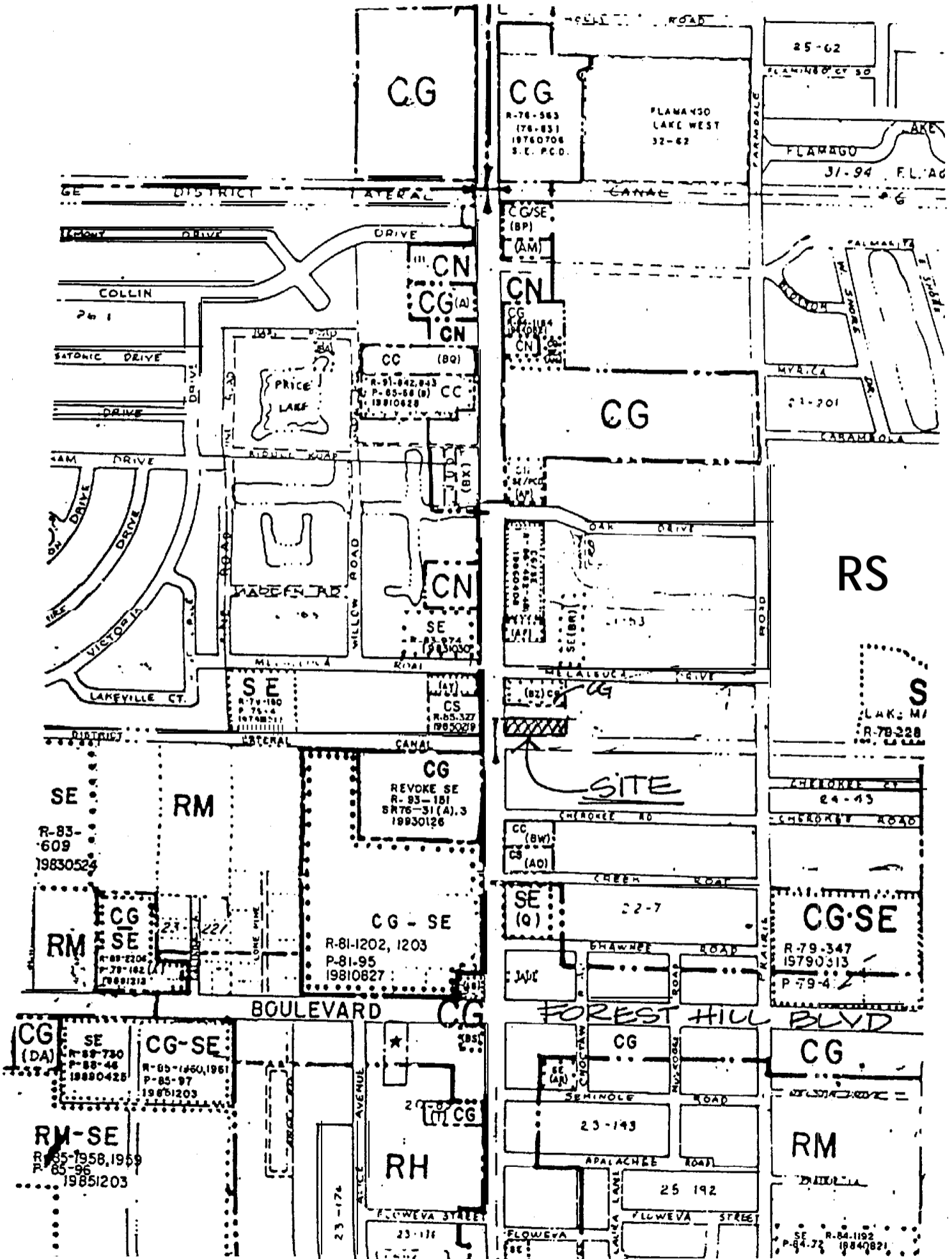


EXHIBIT C

CONDITIONAL OVERLAY CONDITIONS

A. GENERAL

1. To ensure the site is developed consistent with the design represented in the application, the petitioner shall, prior to the issuance of any building permits, receive approval for a Final Site Development Plan from the Development Review Committee. (BUILDING/ZONING)
2. To ensure compatibility with the surrounding area, all retail uses shall be limited to a gross floor area of 1,500 square feet per use. (BUILDING-Planning)

B. HEALTH

1. To ensure uses on site are consistent with the proposed on site waste water disposal system, the following uses shall be prohibited until the site is connected to public water and sewer:
 - a) restaurants or food preparation;
 - b) repair, general;
 - c) laundry and dry cleaning facilities; and
 - d) medical and veterinary offices. (HEALTH-Zoning)

E. ENGINEERING

1. 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 \$3245 (59 trip!; X \$55.00 per trip). (IMPACT FEE COORDINATOR)