

RESOLUTION NO. R-94-949

RESOLUTION APPROVING ZONING PETITION **Z/COZ93-29**
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF ROBERT C. MALT & COMPANY

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 **Z/COZ93-29** was presented to the Board of County Commissioners at a public hearing conducted on July 28, 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 **Z/COZ93-29**, the petition of Robert C. **Malt & Company**, for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Residential Medium (RM) ZONING DISTRICT to the General Commercial (CG) 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 July 28, 1994, subject to the conditions of the Conditional Overlay Zone described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

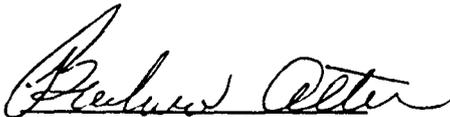
The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of July, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

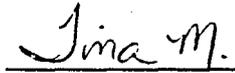
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

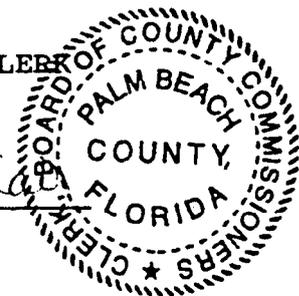


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE REPLAT OF WESTOVER (P.B. 18, PG 23), AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, AND ALSO LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, RUN ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 36, **S01°30'24"W** A DISTANCE OF 1574.70 FEET, SAID LINE ALSO BEING THE CENTERLINE OF MILITARY TRAIL (106' WIDE RIGHT-OF-WAY); THENCE, LEAVING SAID NORTH-SOUTH QUARTER SECTION LINE, **N88°29'36"W** A DISTANCE OF 53.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, SAID POINT BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID MILITARY TRAIL; THENCE **S01°30'24"W** A DISTANCE OF 63.40 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ORLEANS COURT (PLATTED HAZARD STREET) (60' WIDE RIGHT-OF-WAY) (P.B. 4, PG 72); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, **N88°36'21"W** A DISTANCE OF 412.59 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, **N01°28'36"E** A DISTANCE OF 126.91 FEET TO THE SOUTHWEST CORNER OF LOT 157, PLAT OF WESTOVER (P.B. 4, PG 72) AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT AND THE EXTENSION OF SAID LINE, **S88°35'31"E** A DISTANCE OF 308.16 FEET TO A POINT ON THE CENTERLINE OF A 15 FOOT WIDE SERVICE STREET (P.B. 4, PG 72) THENCE ALONG SAID CENTERLINE, **S01°30'24"W** A DISTANCE OF 63.44 FEET; THENCE **S88°36'21"E** A DISTANCE OF 104.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 45,718 SQUARE FEET (1.050 ACRES)

EXHIBIT C

CONDITIONAL OVERLAY CONDITIONS

A. GENERAL

1. Prior to issuance of any permits, the property owner shall apply for and receive certification of a Final Site Plan by the Development Review Committee (DRC). (ZONING)

B. USE LIMITATION

1. To ensure consistency with the Palm Beach County Comprehensive Plan, the property located between the western property line and a point one hundred and sixty five (165) feet east of the western property's line shall be limited to the following uses: parking, landscaping, and/or, water retention only. (BUILDING)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulate; Substances (fuels, oils and other hazardous chemicals) is required. The Department of Environmental Resources Management is willing to provide guidance on appropriate protective measures. (BUILDING/ERM)

D. PLANNING

1. Prior to certification of a final site plan by the Development Review Committee (DRC), the petitioner shall file a boundary plat for the subject property. (PLANNING/Engineering)

E. ENGINEERING

1. The property owner has voluntarily agreed to convey to Palm Beach County a twenty five (25) foot safe sight corner at the intersection of Orleans Court and Military **Trail**. This right of way dedication shall be prior to **February 15, 1995** or prior to the issuance of the first Building Permit, whichever shall first occur. This right of **way** shall be free of all encumbrances and encroachments. The 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. (MONITORING/ BUILDING-Engineering).
2. 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 **\$11,000.00** (200 trips X \$55.00 per trip) (IMPACT FEE-COORDINATOR).

3. LANDSCAPE WITHIN MEDIAN

A. Prior to issuance of a Building Permit, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, 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 to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees:

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Ground cover:

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- 1) All plants shall be container grown or field collected and transplanted from the project site.
- 2) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan -certification. (ENGINEERING)

B. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, **legal** heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. (BUILDING/ENGINEER-Zoning)

C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (BUILDING/ENGINEERING-County Attorney)

4. The petitioner shall provide vehicular cross access to the property to **the** north of the subject site in a form acceptable to the County Engineer and Zoning Division. (ENGINEER! ING/ZONING)

5. Prior-to issuance of any permits; the **petitioner** shall record in the public records of Palm Beach County, an access easement in a manner and form acceptable to the County Attorney and County Engineer. (BUILDING/COUNTY ATTORNEY/ENGINEERING)

F. LIGHTING

1. In order to mitigate any potential adverse impact on existing and future residential uses, lighting within the parking area shall be limited to a maximum height of fifteen (15) feet, measured from finished grade to highest point. (BUILDING/CODE ENFORCEMENT-Zoning)

G. SIGNS

1. Point of purchase signs for the subject site shall be limited as follows:
 - a. Maximum sign height, measured from finished grade - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1). (BUILDING)