

RESOLUTION NO. R-94- 1468

RESOLUTION APPROVING ZONING PETITION **PDD94-59**
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF **MOHAMMED** TARERI

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 **PDD94-59** was presented to the Board of County Commissioners at a public hearing conducted on October 27, 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), with conditions of approval as adopted, 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), with conditions of approval as adopted, will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning), with conditions of approval as adopted, 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, **Sec** 3.D.9 (Action by Boar 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 **PDD94-59**, the petition of Mohammed Taheri for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Residential Transitional (RT) ZONING DISTRICT to the Planned Unit Development (PUD) ZONING DISTRICT, 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 October 27, 1994, subject to the conditions of approval 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 Foster 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	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of October, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *[Signature]*
COUNTY ATTORNEY

BY: *[Signature]*
DEPUTY CLERK

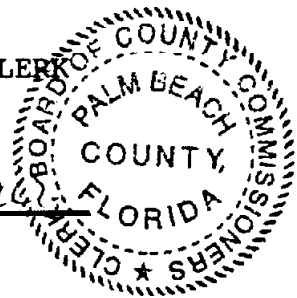


EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"

DESCRIPTION:

The North One-Half (N 1/2) of that part of the North One-Half (N 1/2) of the Southeast One-Quarter (SE 1/4) of Section 26, Township 46 South, Range 42 East, Palm Beach County, Florida, lying South of Lake Worth Drainage District Lateral No. 37 LESS the right-of-way of State Road 809 (Military Trail).

EXHIBIT B
VICINITY SKETCH

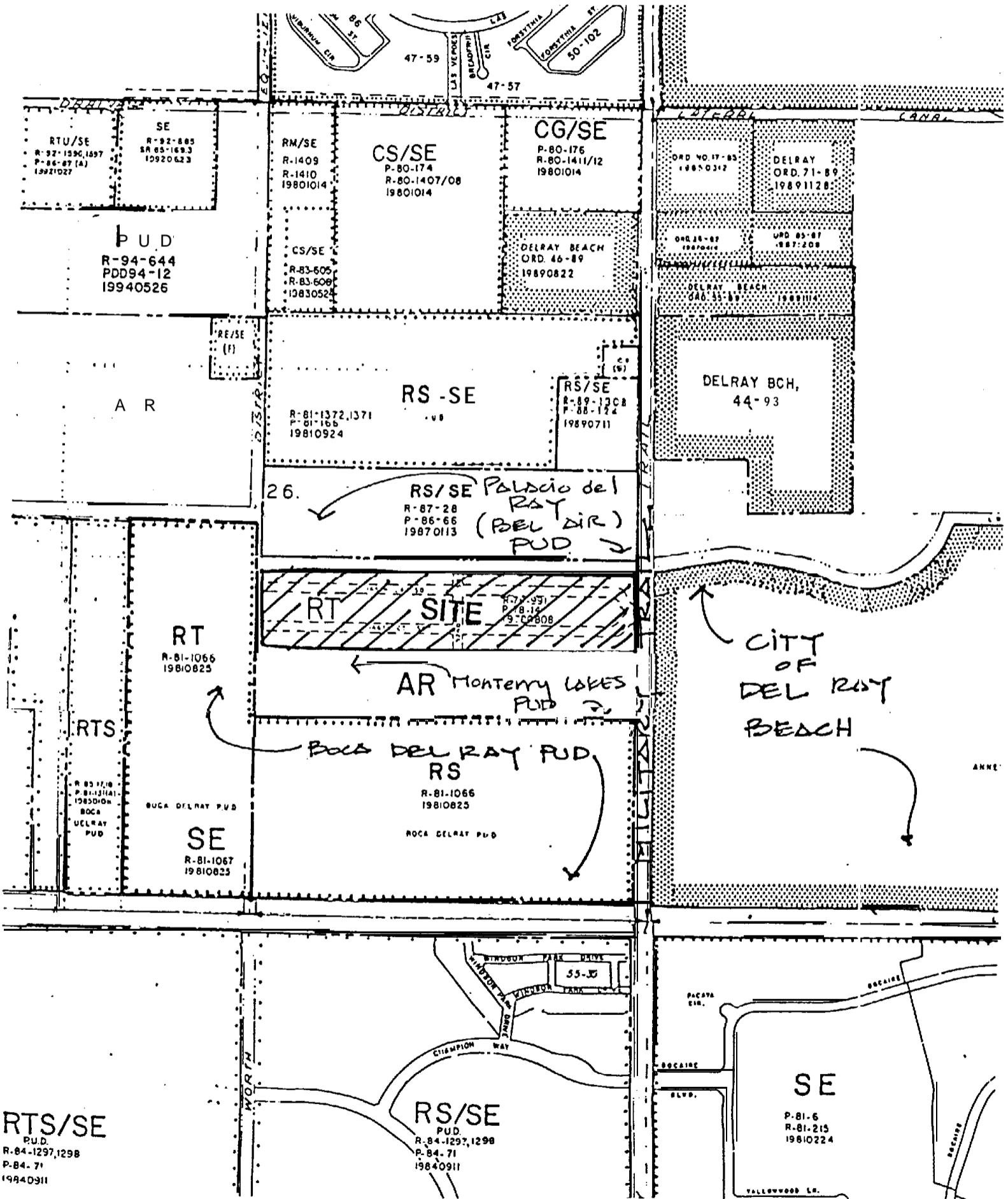


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PUD'S

1. Street lights shall be provided pursuant to **Section 6.8.A.23.d(1)** of the Unified Land Development Code (ULDC). (ZONING/ENGINEERING)
2. Street trees shall be planted pursuant to **Section 6.8.A.23.d(3)** of the ULDC. (ENGINEERING-Building)
3. All utilities shall be underground pursuant to **Section 6.8.23.d(5)** of the ULDC. (ZONING/ENGINEERING)

B. LANDSCAPING - GENERAL

1. All trees required to be planted on site by this approval, except within residential lots, shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the **outermost** branch tip. Each radius shall measure at least 3.5 feet in length. (BUILDING-Zoning)

C. LANDSCAPING ALONG ALL PROPERTY LINES

1. Landscaping within the required buffer along all property lines shall be upgraded to include:
 - a. One (1) canopy tree planted every twenty (20) feet on center.
 - b. One (1) palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on **center** at installation. (BUILDING-Zoning)

D. HEALTH

1. Sewer service is available to the property, therefore, no septic tank shall be permitted on this site. All existing **onsite** sewage disposal systems must be abandoned in accordance with Chapter **10D-6**, FAC., and Palm Beach County ECR-I. (HEALTH)
2. Water service is available to the property, therefore, no well shall be permitted on the site to provide potable water. All existing **onsite** potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)

E. ENGINEERING

1. Prior to **April 27, 1995** or prior to the issuance of the first Building Permit, the property owner shall **convey** to Palm Beach County adequate road drainage easement(s) through the project's internal surface water management system to provide legal positive outfall for runoff from those segments of Military Trail along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Military Trail. Said easements shall be no less than 20 feet in width. The drainage system within the project shall **have** sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District, as well as the South Florida Water Management District, for the **combined** runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate **wingwall** or other **structures**. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach **County** which at its discretion may use this fill **material** (MONITORING - Engineering).
2. The Developer shall pay a Fair Share Fee in the amount and manner required by the "**Fair Share Contributor 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 **\$214,500.00** (1,300 trips X \$165.00 per trip) (IMPACT FEE COORDINATOR).
3. The property owner shall fund the construction of dual left turn lanes north and south approaches on Military Trail at Clint Moore Road. Funding of this construction by this property owner shall be limited to the **amount** of **\$214,500.00** which shall be made available to Palm **Beach** County prior to April 27, 1995. **No Administrative time extensions may be granted for this funding as this condition is required in order to comply with the mandatory Traffic Performance Standards.** (MONITORING - Engineering).
4. In order to comply with the mandatory Traffic **Performance Standards**, the Developer shall be restricted to the following phasing schedule:
 - a) No building permits after December 31, 1995 shall be issued until construction has begun for the 6 **laning** of Military Trail from West Atlantic Avenue to Clint **Moore** Road plus the appropriate paved tapers.
 - b) No building permits, with the exception of dry models and sales trailers, shall be issued until **construction** has begun for the construction of dual left turn **lane**, north approach on Military Trail at Clint Moore Road plus the appropriate paved tapers. (BUILDING - Engineering).

5. Prior to the recordation of the first plat for the subject site the property owner shall convey to Palm Beach County Land Development Division by road **right-of-way** warranty deed additional right-of-way for the construction of a right turn lane on Military Trail at the project's entrance road. This right-of-way shall be a minimum of 280 **feec** in storage length, twelve feet in width and a taper length of 50 feet. This additional right-of-way shall be free of all encumbrances and encroachments and shall include "**Safe Sight Corners**" where appropriate as determined by the County Engineer. 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. (ENGINEERING-Engineering)
6. Prior to June 1, 1996 the property owner shall fund the construction of a right turn lane on Military Trail at the project's entrance road. Funding to Palm Beach County shall include all costs associated with this right turn lane which will then be constructed with the **six-laning** of Military Trail by Palm Beach **County**. **Length** of this right turn lane shall be 280 in length with a taper length of 50 feet. (ENGINEERING-Engineering)
7. LANDSCAPE WITHIN MEDIAN
 - A. Prior to technical compliance by the Land Development Division, the property owner 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, at a minimum, consist of the "**Low Cost Planting Concept**" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to **approval** by the County Engineer. (ENGINEERING)
 - B. All required median landscaping **including** an irrigation system, if required, shall be at the property owners expense. All landscape material shall also be the perpetual maintenance **obligation** of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's **Association**. Perpetual maintenance includes, but is not **limited** to, pruning, fertilizing, irrigation, and **alternate** watering of Xeriscape material during **periods** of drought in order to maintain healthy plant material. All landscape material shall be installed **concurrent** with the improvements **with** the **first** plat. (ENGINEERING - Engineering)
 - C. Declaration of Covenants and Restriction **Documents** shall be established or amended as required, prior to recordation of the first plat to **reflect** this obligation. (ENGINEERING - County Attorney)

F. RECYCLE SOLID WASTE

1. All property owners 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. (SWA)

G. SIGNS

1. Entrance wall signs fronting on Military Trail shall be limited as follows:
 - d. Maximum sign height, measured from finished gr. eight (8) feet;
 - b. Maximum sign face area per side = 60 square feet;
 - c. Maximum number of signs = two (2);
 - d. Monument style. (BUILDING)

H. COMPLIANCE

1. Failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions;
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)