

ORIGINAL

RESOLUTION NO. R-94- 1673

RESOLUTION APPROVING ZONING PETITION Z/COZ94-61
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF DAVID MACKEY, III

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/COZ94-61 was presented to the Board of County Commissioners at a public hearing conducted on December 5, 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/COZ94-61, the petition of DAVID MACKEY, 111, for a OFFICIAL ZONING **MAP** AMENDMENT (REZONING) from the Medium Residential (**RM**) ZONING DISTRICT to the General Commercial (CG) 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 December 5, 1994, subject to the voluntary commitments 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 Roberts and, upon being put to a vote, the vote was as follows:

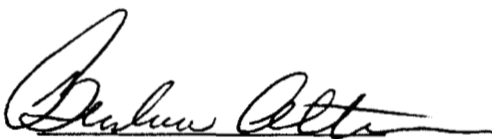
| | | |
|-------------------|----|--------|
| Ken Foster, Chair | -- | Aye |
| Burt Aaronson | -- | Aye |
| Maude Ford Lee | -- | Absent |
| Karen T. Marcus | -- | Aye |
| Mary McCarty | -- | Absent |
| Warren Newell | -- | Aye |
| Carol A. Roberts | -- | Aye |

The Chair thereupon declared that the resolution was duly passed and adopted this 5th day **of** December, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, .FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

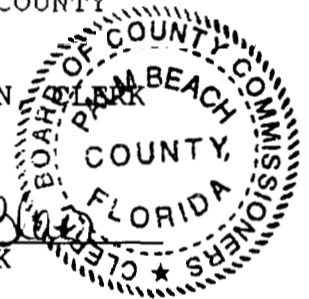


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

A parcel *of* land located in the Southwest Quarter of Section 18, Township 42 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Southwest Corner of Section 18; thence due east along the South line of said Section 18 and the centerline of **S.R.** 850 a/k/a Nortlake Boulevard, a distance of 579.76 feet, thence **N 00° 10' 30" E**, along the west right-of-way line of Roan Lane, a distance *of* 191.15 feet to the point *of* beginning; thence **S 89° 58' 14" W**, a distance of 200.0 feet; thence **S 00° 10' 30" W**, a distance *of* 91.04 feet; thence due West a distance of 31.75 feet; thence **N 48° 59' 27" W**, along the easterly right-of-way line of 1-95 Highway, a distance *of* 152.40 feet, thence **N 08° 24' 12" W**, along said easterly line a distance *of* 172.80 feet; thence **N 89° 58' 14" E**, a distance *of* 382.83 feet; thence **S 0° 10' 30" W** along the West right-of-way line of Roan Lane a distance of 90.00 feet; thence **S 89° 58' 14" W**, a distance *of* 10.0 feet; thence **S 0° 10' 30" W**, along said right-of-way line, a distance *of* 90.0 feet to the point of beginning.

Containing 1.68 acres

EXHIBIT B
VICINITY SKETCH

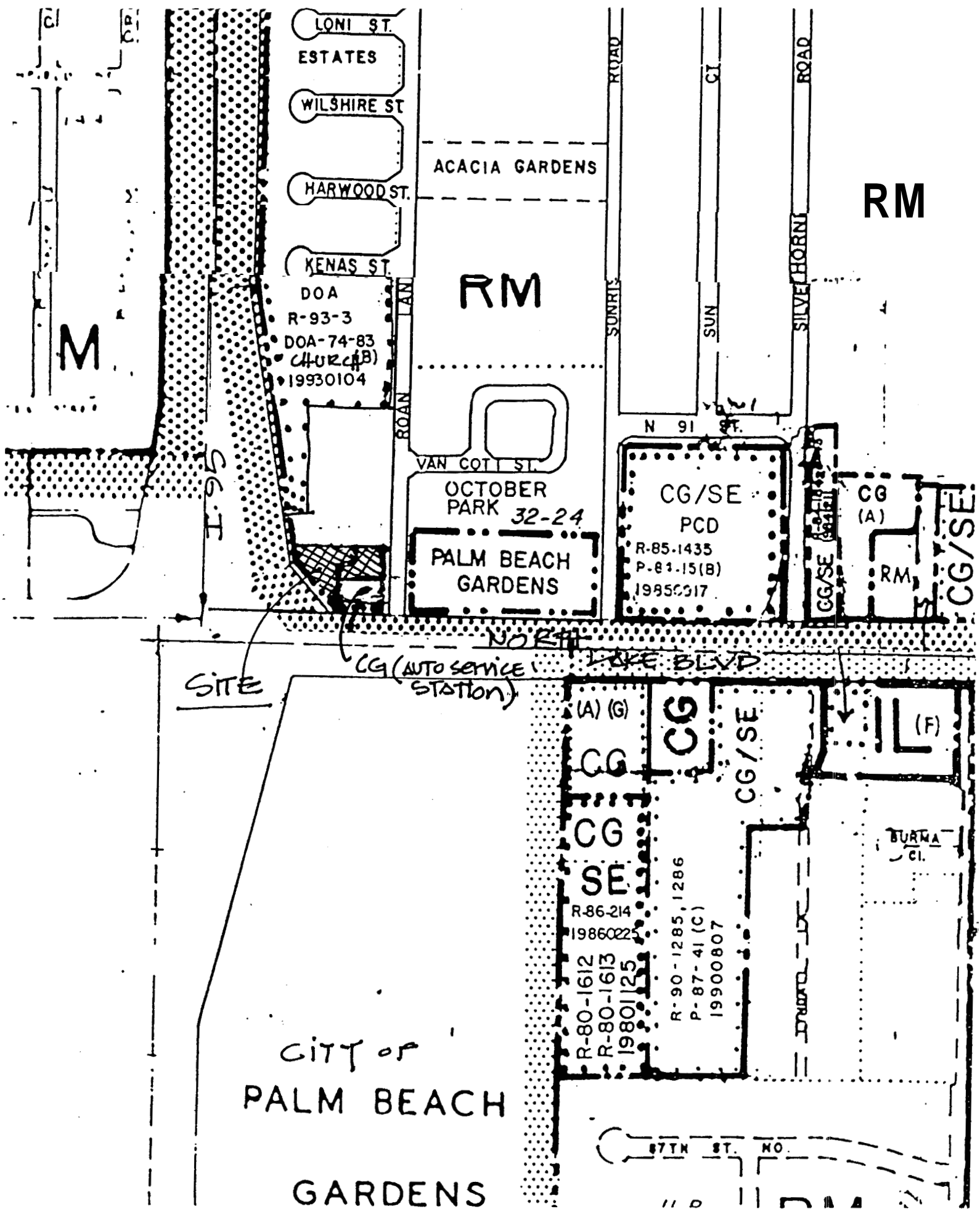


EXHIBIT C

VOLUNTARY COMMITMENTS

A. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The property owner shall contact the Environmental Resources Management Department, regarding contamination on the site to the south, prior to final site plan certification. (ERM)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed 30 feet from centerline for Roan Lane prior to the issuance of the first Building Permit. This right of way shall be along the project's entire frontage, 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 as determined by the County Engineer. (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 ~~is~~ a lighting store which is to be paid at the time of issuance of the Building Permit presently is \$26,895.00 (489 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).
3. Use of the property shall be limited to a 26,000 square foot retail lighting store or equivalent traffic generator as approved by the County Engineer. (ENGINEERING)