

RESOLUTION NO. R-95-529

RESOLUTION APPROVING ZONING PETITION Z/COZ95-01 WITH A WITH A  
CONDITIONAL OVERLAY ZONE (COZ)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF DANIEL S. CATALFUMO, TRUSTEE

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 Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition Z/COZ95-01 was presented to the Board of County Commissioners at a public hearing conducted on April 27, 1995; 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 Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified 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 Unified 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 Unified 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/COZ95-01, the petition of Daniel S. Catalfumo, Trustee, for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Residential High (RH) 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 April 27, 1995, subject to the conditions of the Conditional Overlay Zone described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Absent
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 27th day of April, 1995.

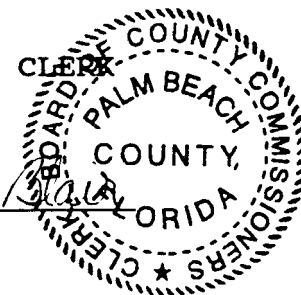
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



**EXHIBIT A**

**LEGAL DESCRIPTION**

**PROPERTY DESCRIPTION:**

**A parcel of land lying in Section 3, Township 41 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:**

**From the northwest corner of the Plat of Jupiter Gardens, as recorded in Plat Book: 43, Pages 147 and 147, Palm Beach County, Florida, Public Records, bear North 88°22'25" East, along the North line of said Jupiter Gardens, a distance of 162.54 feet; thence bear South 01°35'02" West, a distance of 20.03 feet to the southerly right-of-way line of State Road No. 706, as recorded in Official Record Book 3917, Page 1448, Palm Beach County, Florida, Public Records, said point being the POINT OF BEGINNING, thence continue South 01°35'02" West, a distance of 281.95 feet; thence bear North 88°22'25" East, a distance of 60.00 feet; thence bear North 01°35'02" East, a distance of 27.54 feet; thence bear North 88°22'25" East, a distance of 105.00 feet; thence bear North 01°35'02" East, a distance of 254.00 feet to said southerly right-of-way of State Road No. 706; thence bear South 88°22'25" West, along said southerly right-of-way, a distance of 165.00 feet to the POINT OF BEGINNING.**

**AND**

**A parcel of land lying in Section 3, Township 41 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:**

**From the northwest corner of the Plat of Jupiter Gardens, as recorded in Plat Book: 43, Pages 147 and 147, Palm Beach County, Florida, Public Records, bear North 88°22'25" East, along the North line of said Jupiter Gardens, a distance of 162.54 feet; thence bear South 01°35'02" West, a distance of 301.98 feet to the POINT OF BEGINNING; thence continue South 01°35'02" West, a distance of 148.02 feet to the North line of Lot 17, of said Plat of Jupiter Gardens; thence North 88°22'25" East along said North line a distance of 165.00 feet; thence bear North 01°35'02" East, a distance of 175.56 feet; thence bear South 88°22'25" West, a distance of 105.00 feet; thence bear South 01°35'02" West, a distance of 27.54 feet; thence bear South 88°22'25" West, a distance of 60.00 feet to the POINT OF BEGINNING.**

**Containing in all 70,925 square feet.**

EXHIBIT B  
VICINITY SKETCH

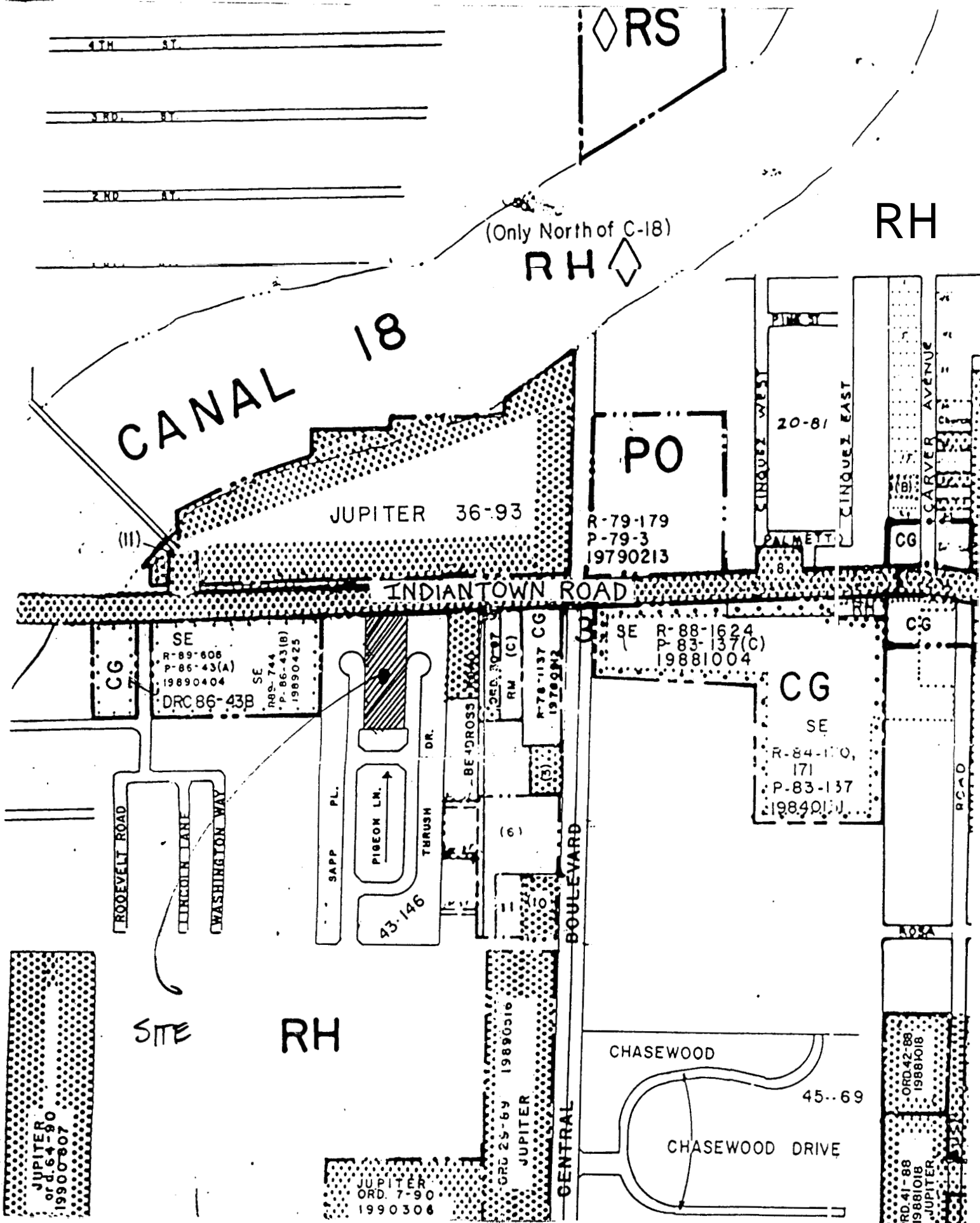


EXHIBIT C

CONDITIONAL OVERLAY CONDITIONS

A. CROSS ACCESS

1. At such time that the adjacent property owner to the northeast files an application with either Palm Beach County or the Town of Jupiter for a zoning change and/or site plan approval for commercial use on the property, the fee simple owner of the 8000 Indiantown Road property shall enter into an ingress/egress cross access agreement with the adjacent property owner. The agreement shall grant access across the 8000 Indiantown Road property and shall be approved by the County Attorney prior to recordation. (COUNTY ATTORNEY)
2. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to indicate the location for cross access to the site to the east. (ZONING)

B. USE LIMITATION

1. Uses on site shall be limited to those permitted in the Community Commercial (CC) district. (CODE ENFORCEMENT)
2. No retail business activities shall be allowed on the site, including deliveries, prior to 6:00 AM nor continue later than 11:00 PM. (CODE ENFORCEMENT)

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, Zoning Petition Number 95-01, to be paid at the time of issuance of the Building Permit presently is \$11,000.00 (200 additional trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).
2. LANDSCAPE WITHIN MEDIAN
  - a. Prior to issuance **of** a building permit, 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. (BUILDING - 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 prior to the issuance of a certificate of occupancy. (BUILDING - Engineering)
  - c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to the issuance of a certificate of occupancy to reflect this obligation. (BUILDING - County Attorney)
3. Access to this site shall be restricted to Indiantown Road. (ENGINEERING)