

RESOLUTION NO. R-95-720

RESOLUTION APPROVING ZONING PETITION Z94-90
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF FNB PROPERTIES, INC.

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 Z94-90 was presented to the Board of County Commissioners at a public hearing conducted on May 25, 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 Z94-90, the petition of FNB Properties, Inc., for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Community Commercial (CC) ZONING DISTRICT to the Residential Transitional Urban (RTU) 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 May 25, 1995, subject to the voluntary commitments 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 Aaronson and, upon being put to a vote, the vote was as follows:

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

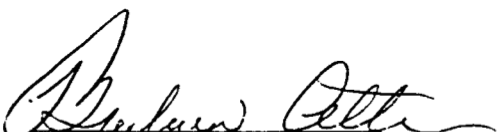
The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of May, 1995.

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

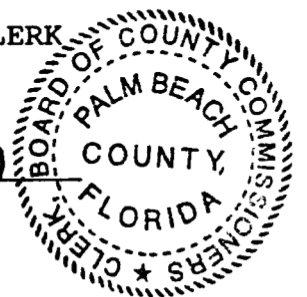


EXHIBIT A

LEGAL DESCRIPTION

The Northeast quarter of the Northwest quarter of Section 13, Township 15 South, Range 42 East, Palm Beach County, Florida, lying between the easterly right-of-way of Military Trail (SR 809) as laid out and in use and the westerly right-of-way line of Old Military Trail (SR 200) as laid out and in use.

LESS THE FOLLOWING PARCELS:

PARCEL A:

A strip of land (or road right-of-way) 3 feet in width lying outside the existing easterly right-of-way of Military Trail (SR 809) in the Northwest quarter of Section 13, Township 45 South, Range 42 East, Palm Beach County, Florida, said 3 feet strip lying within 53 feet of the centerline of said Military Trail (SR 809) as shown in Road Plat Book 1, Page 109, Public Records of Palm Beach County, Florida, and being more particularly described as follows:

COMMENCING at the intersection of La Chalet Boulevard according to the Plat of La Chalet Shopping Center as recorded in Plat Book 32, Page 23, Public Records of Palm Beach County, Florida, with the centerline of said Military Trail;

THENCE on an assumed bearing of N. 44° 56' 49" E., (all other bearing related thereto) along the centerline of said Military Trail a distance of 186.40 feet to a point;

THENCE S. 45° 03' 11" E., a distance of 50.0 feet to the POINT OF BEGINNING;

THENCE N. 44° 56' 49" E., a distance of 1251.72 feet to the point of tangency of a curve concave to the Northeast, having a radius of 1960.08 feet, and a central angle of 60 17' 08";

THENCE easterly along the arc of said curve a distance of 215.46 feet to a point which is 40 feet south of, as measured at right angles to, the north line of said Section 13, said point also being on the south right-of-way line of Lake Worth Drainage District Lateral 20;

THENCE S. 89° 57' 09" W., along the south right-of-way of Lake Worth Drainage District Lateral 20, a distance of 3.84 feet to a point on a curve concave to the northeast, having a radius of 1963.08 feet and a central angle of 60 22' 05";

THENCE westerly along the arc of said curve a distance of 218.18 feet;

THENCE S. 44° 56' 49" W., a distance of 1254.76 feet;

THENCE N. 00° 27' 53" W., a distance of 4.28 feet to the POINT OF BEGINNING.

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EXHIBIT A

LEGAL DESCRIPTION

PARCEL B

Extension of a strip of land (or road right-of-way) in the Northwest quarter of Section 13, Township 45 south, Range 42 East, Palm Beach County, Florida, said strip being the easterly extension of La Chalet Boulevard, according to the plat of La Chalet Shopping Center, as recorded in Pbat Book 32, Page 23, Public Records of Palm Beach County, Florida, intersecting with Old Military Trail (SR 200) AKA White Feather Trail as described in Deed Book 533, Page 153, Public Records of Palm Beach County, Florida, said strip being 33 feet either side of a centerline which is more particularly described as follows:

COMMENCING at the centerline intersection of said La Chalet Boulevard with the centerline of Military Trail (SR 809) as shown on Road Plat Book 1, Page 109, Public Records of Palm Beach County, Florida;

THENCE on an assumed bearing of S. 45° 03' 11" E., (bearing based on the centerline of Military Trail being N. 44° 56' 49" E.), a distance of 53 feet to the south right-of-way line of said Military Trail;

THENCE S. 55° 55' 51" E., a distance of 62.27 feet to the point of tangency of a curve concave to the North having a radius of 300 feet and a central angle of 35° 35' 10";

THENCE easterly and northerly along the arc of said curve a distance of 186.33 feet to a point on the centerline of said Old Military Trail (SR 200) said point also being the termination point of this centerline.

PARCEL C:

A strip of land 108 feet in width for right-of-way of Miner Road said strip lying south of and adjacent to the south line of the 40 feet right-of-way of Lake Worth Drainage District Canal No. 22 and being more particularly described as follows:

The south 108 feet of the north 148 feet of the Northeast quarter of the Northwest quarter of Section 13, Township 45 South, Range 42 East, Palm Beach County, Florida, lying between the easterly right-of-way of Military Trail (SR 809), as described in Deed Book 893, Page 244 and Official Record Book 192, Page 206, Public Records of Palm Beach County, Florida, and the west right-of-way of Old Military Trail (SR 200) as described in Deed Book 533, Page 153, Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

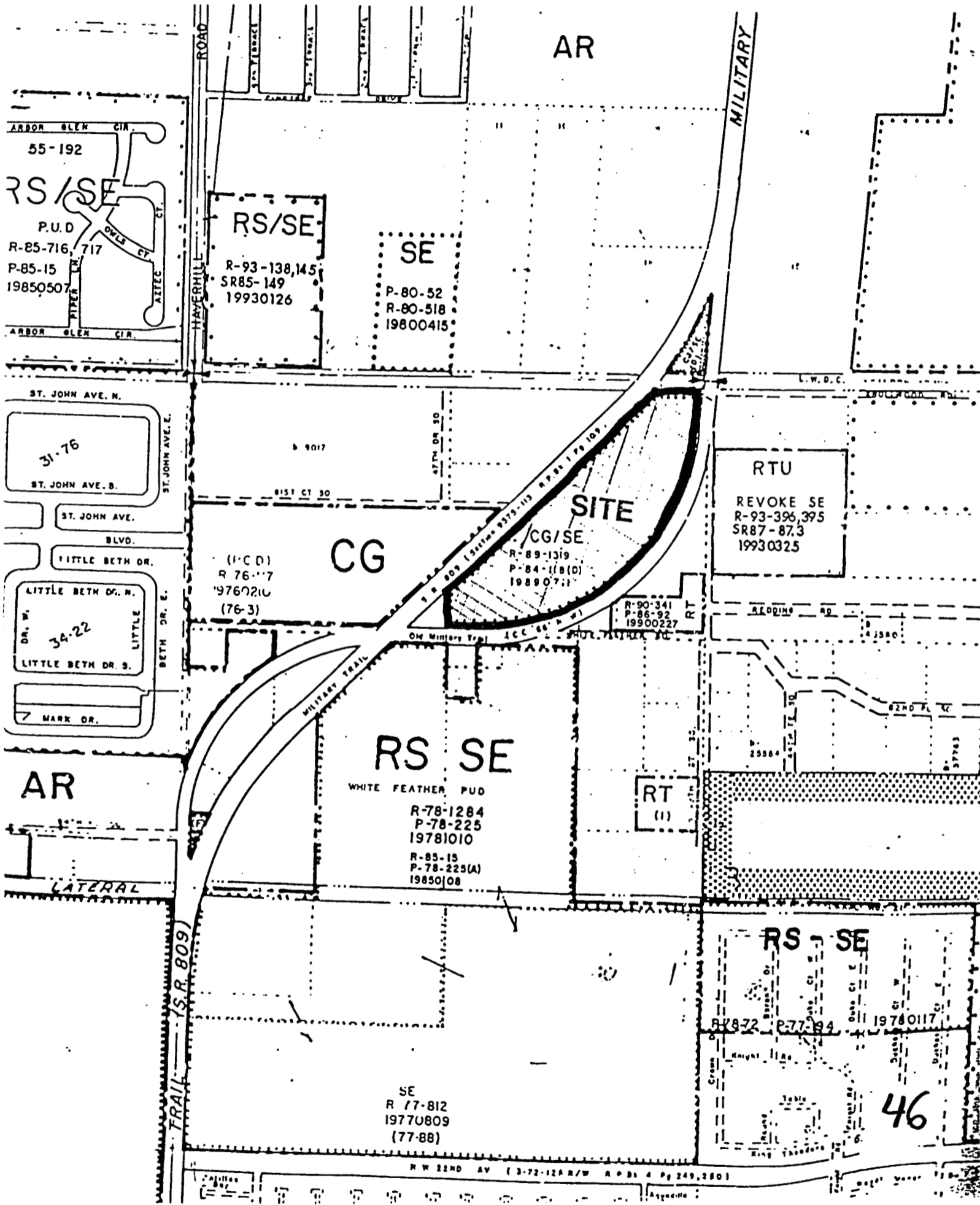


EXHIBIT C

VOLUNTARY COMMITMENTS

A. REVOCATION OF PREVIOUS SPECIAL EXCEPTION

1. Resolutions R-86-466 (Petition **84-118A**), R-87-503 (petition **84-118B**), R-89-1319 (Petition **84-118D**), and R-94-1313 (Petition **SR84-118D**), approving a special exception for a planned commercial development on the subject property, and related amendments, **are** hereby repealed. (ZONING)

B. PLANNING

1. The property owner shall voluntarily annex into the City of Boynton Beach at such time the subject property becomes contiguous to the City of Boynton Beach or is the subject of an annexation proposal by the City of Boynton Beach. (PLANNING)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed corner clips at the following locations:
 - a) southeast corner of the intersection of Miner Road and Military Trail, and
 - b) southwest corner of the intersection of Miner Road and Old Military Trail.

All corner clips shall be dedicated prior to the issuance of technical compliance issued by the Land Development Division and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free and clear of all encumbrances and encroachments. (ENGINEERING)

2. The Property owner shall construct a left turn lane, north approach on Military Trail at the project's entrance road. Location and type of this median opening for this left turn lane shall be subject to the approval of the County Engineer. This construction shall be concurrent with the paving and drainage improvements with the first plat. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the finaling of the improvements with the first plat. (ENGINEERING)
3. There shall be no direct access from this site onto **Old Military Trail**. (ENGINEERING)
4. The Developer 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 be amended. The Fair Share Fee for this project, Petition 94-90, which is to be paid at the time of issuance of the first Building Permit, presently is **\$100,650.00 (610 trips X \$165.00/trip)**. (IMPACT FEE COORD.)

5. 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 landscape material, installation, and maintenance requirements shall be subject to the standards 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 installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and 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 before the issuance of a building permit for Phase 2. (BUILDING-Engineering)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of the first building permit to reflect this obligation. (BUILDING-COUNTY ATTORNEY-Eng.)