

RESOLUTION NO. R-95- 1317

RESOLUTION APPROVING ZONING PETITION **EAC77-46(B)**
REQUESTED (R) USE
PETITION OF ALLSTATE INVESTMENTS, 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 Board of County Commissioners, pursuant to Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Unified Land Development Code (Ordinance 92-20) is authorized and empowered to approve, approve with conditions or deny Requested Uses within a Planned Development District; and

WHEREAS, the notice and hearing requirements, as provided for in Article 6, Section 6.8, of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition DOA75-68(J) was presented to the Board of County Commissioners at a public hearing conducted on September 28, 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners **made the** following findings of fact:

1. This Requested Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Requested Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
3. This Requested Use **is** consistent with all requirements of Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Unified Land Development Code, Ordinance 92-20.
4. This Requested Use is consistent with all other applicable local land development regulations.

WHEREAS, Article 6, Section 6.8, 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 DOA75-68(J), the petition of Exel Properties, Inc., for a REQUESTED USE to allow a church or place of worship on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch **as** indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on September 28, 1995, subject to the conditions of approval 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 Lee and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of September, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

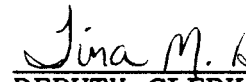
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN,

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

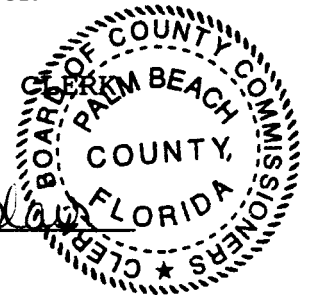


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

PARCEL A

A parcel of land lying in Section 14, Township 43 South, Range 42 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

Commencing at the Point of Intersection of the North line of the record plat of Cypress Lakes Plat No. 2 as recorded in Plat Book 37, Pages 148-151 of the Public Records of Palm Beach County, Florida, and a line lying 50.00 feet West of the East line of Section 14 (said line also being the centerline of Haverhill Road); thence with a bearing of N 88°21'01" W, along the North line of the above described subdivision Cypress Lakes Plat No. 2, a distance of 254 feet to a Point; thence with a bearing of N 1°38'59" E, a distance of 280.00 feet, to a point on the North right-of-way line of Campanelli Blvd., said Point being the Point of Beginning; thence with a bearing of N 88°21'01" W, along the North right-of-way line of Campanelli Blvd., a distance of 134.00 feet; thence with a bearing of S 54°46'55" W, a distance of 4.62 feet to a point; thence with a bearing of N 1°38'59" E, along a line lying 442.71 feet West of and parallel to the East line of Section 14, a distance of 626.02 feet to a point; thence with a bearing of S 88°32'21" E, along a line lying 65.00 feet South of and parallel to the North line of Section 14, a distance of 338.70 feet to a point; thence with a bearing of S 1°38'59" W, along a line lying 104.00 feet West of and parallel to the East line of Section 14, a distance of 624.36 feet to a point on the North line of Campanelli Blvd.; thence with a bearing of N 88°21'01" W, along the North right-of-way line of Campanelli Blvd., a distance of 200.00 feet more or less to the Point of Beginning.

TOGETHER WITH an easement for ingress and egress as contained in Warranty Deed recorded in Official Records Book 4532, Page 49, Public Records of Palm Beach County, Florida, more particularly described as follows:

PARCEL B

Commencing at the point of intersection of the North line of the record Plat "Cypress Lakes Plat No. 2" as recorded in Plat Book 37, Pages 148-151 of the Public Records of Palm Beach County, Florida and a line lying 50.00 feet West of the East line of Section 14, (said line also being the centerline of Haverhill Road); thence with a bearing of N 88°21'01" W along the North line of the above described subdivision "Cypress Lakes Plat No. 2" a distance of 254.00 feet to a point; thence with a bearing of N 1°38'59" E, a distance of 195.00 feet to a point, said point being the Point of Beginning; thence continue with a bearing of N 1°38'59" E, a distance of 85.00 feet to a point on the North line of a future 60 foot wide right of way as recorded by the aforesubdivision, "Cypress Lakes Plat No. 2"; thence with a bearing of S 88°21'01" E along the Easterly extension of the said North right of way line a distance of 225.00 feet to a point; thence with a bearing of N 46°38'59" E, a distance of 35.36 feet to a point; thence with a bearing of S 88°21'01" E, a distance of 4.00 feet to a point on the existing right of way line of Haverhill Road; thence with a bearing of S 1°38'59" W along the West right of way of Haverhill Road (said line lying 50.00 feet West of the East line of Section 14) a distance of 110.00 feet to a point; thence with a bearing of N 88°21'01" W, a distance of 4.00 feet to a point; thence with a bearing of N 43°21'01" W, a distance of 35.36 feet to a point; thence with a bearing of N 88°21'01" E, a distance of 200.00 feet to a point; thence with a bearing of S 46°38'59" W, a distance of 35.36 feet more or less to the point of beginning.

EXHIBIT B
VICINITY SKETCH

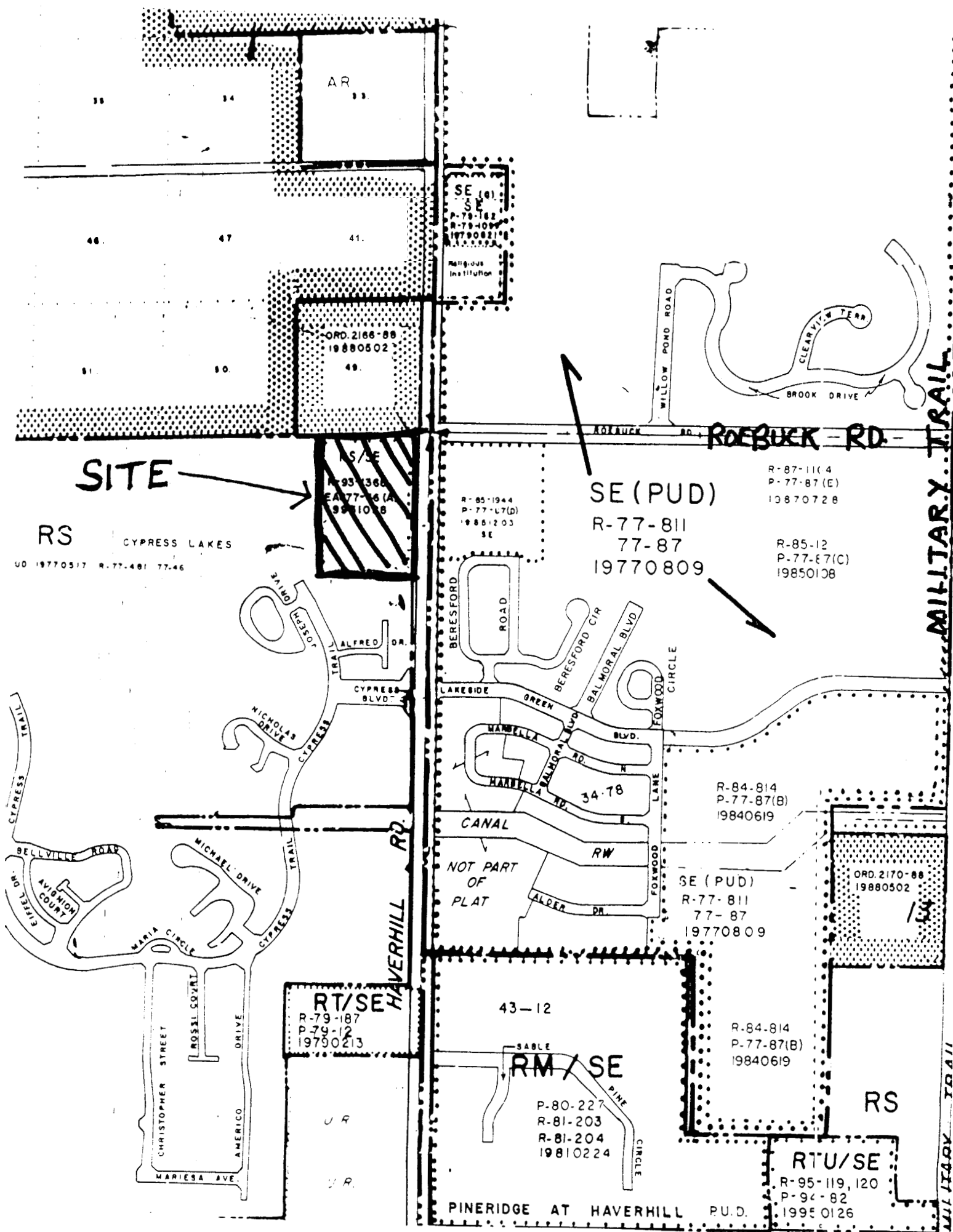


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified herein.

A. **ALL PETITIONS**

1. Condition A.1 of Resolution R-93-1368, Petition **77-46(A)**, which currently states:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines, unless expressly modified.

Is hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-77-481 (Petition 77-46) and R-93-1368 (Petition 77-46(B)) have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (MONITORING-Zoning)

B. **SITE DESIGN AND USE LIMITATIONS**

1. **To ensure consistency with the application the veterinary clinic shall be limited to indoor operation, and no outdoor activities, pens, cages, or runs shall be permitted on site. Previously Condition No. B.1 of Resolution No. R-93-1368, Petition 77-46(A)). (ZONING/BUILDING-Code Enforcement)**
2. Total gross floor area of the synagogue (place of worship) shall be limited to a maximum of 3,000 square feet. (BUILDING-Zoning)

C. **ERM**

1. **A Wellfield Affidavit of Notification shall be submitted to the Department of Environmental Resources Management prior to DRC Final Plan certification. Previously Condition No. C.1 of Resolution No. R-93-1368, Petition 77-46(A)). (ERM)**

E. **ENGINEERING**

1. **Developer shall plat the proposed lake and residential area on a one acre to one acre basis, up to a maximum of thirty (30) acres for residential. No additional residential units shall be platted until legal positive outfall is provided. Previously Condition No. E.1 of Resolution No. R-93-1368, Petition 77-46(A)).**
2. **Developer shall provide signalization at the main entrance on Haverhill Road, When warranted, as determined by the County Engineer. Previously Condition No. E.2 of Resolution No. R-93-1368, Petition 77-46(A)).**

3. Developer shall provide a left turn lane at the projects main entrance, north approach Baverhill Road; a left turn lane at the main entrance, south approach Haverhill Road; and a four (4) lane entrance road. Previously Condition No. E.3 of Resolution No. R-93-1368, Petition 77-46(A)).
4. Developer shall provide a left turn lane at the Haverhill Road north entrance, south approach; and a three (3) lane north entrance road (two (2) exit lanes, one (1) entrance lane). Previously Condition No. E.4 of Resolution No. R-93-1368, Petition 77-46(A)).
5. Developer shall dedicate to Palm Beach County, fifty-four (54) feet from the centerline for the ultimate right of way for Haverhill Road. Previously Condition No. E.5 of Resolution No. R-93-1368, Petition 77-46(A)).
6. Developer shall dedicate to Palm Beach County forty (40) feet for right-of-way for Roebuck Road. Previously Condition No. E.6 of Resolution No. R-93-1368, Petition 77-46(A)).
7. Developer shall deed to the School Board of Palm Beach county , an acceptable twenty (20) acre school site prior to the issuance of any residential building permits for this project. Previously Condition No. E.7 of Resolution No. R-93-1368, Petition 77-46(A)).
8. Limited to the Commercial site, a fifty (50) foot landscape buffer zone, containing no paving, shall be provided within the one hundred (100) foot setback. Furthermore, a "no access" easement shall be dedicated to Palm Beach County along Haverhill Road within the buffer zone with the intent to exclude motor vehicular access to Haverhill Road. Signage within this easement this area is prohibited. Previously Condition No. E.8 of Resolution No. R-93-1368, Petition 77-46(A)).
9. Developer must apply for a surface water management permit for the proposed development, prior to construction. Previously Condition No. E.9 of Resolution No. R-93-1368, Petition 77-46(A)).

F. LANDSCAPING

1. The property owner shall receive certification of an Alternative Landscape Betterment Plan (ALBP) for the entire subject property by the Development Review Committee prior to October 1, 1996. The ALBP shall satisfy the landscape code requirements in effect at the time the vested development order for the shopping center was approved, and current ULDC requirements to the maximum extent possible. (MONITORING-Zoning)
2. All landscape improvements required by the certified Alternative Landscape Betterment Plan shall be installed prior to October 1, 1997. (MONITORING-Zoning)

G. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC 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; and/or
 - 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 an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment 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)