

RESOLUTION NO. R-95- 1727

RESOLUTION APPROVING ZONING PETITION Z94-85  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF DALE & MARGARET BRUSCHI  
BY GREGORY KINO, ESQ. , AGENT

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 Z94-85 was presented to the Board of County Commissioners at a public hearing conducted on December 4, 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 Z94-85, the petition of Dale & Margaret Bruschi by Gregory Kino, Esq., agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) Zoning District to the Special Agriculture (SA) 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 4, 1995, and subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

The motion was seconded by Commissioner Newell 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	--	ABSENT
Mary McCarty	--	AYE
Warren Newell	--	AYE
Carol A. Roberts	--	AYE

The Chair thereupon declared that the resolution was duly passed and adopted December 4, 1995.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

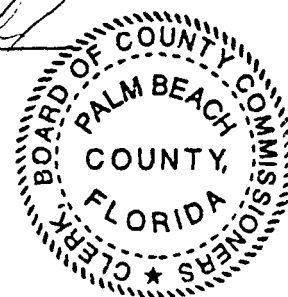
BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

DEC 6 1995



**EXHIBIT A**

**LEGAL DESCRIPTION**

THE **SOUTH** 10.00 ACRES OF THE FOLLOWING DESCRIBED PROPERTY LYING NORTH OF THE NORTH RIGHT OF WAY LINE FOR HYPOLUXO ROAD (SOUTH 110.00 FEET)

THE WEST HALF, OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER: OF THE SOUTH 1303 FEET OF THE WEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

EXHIBIT B  
VICINITY SKETCH

K-89-342,344  
P-87-112.R5  
19890228

R-93-70  
EAC/DOA 87-112(C)  
19930128

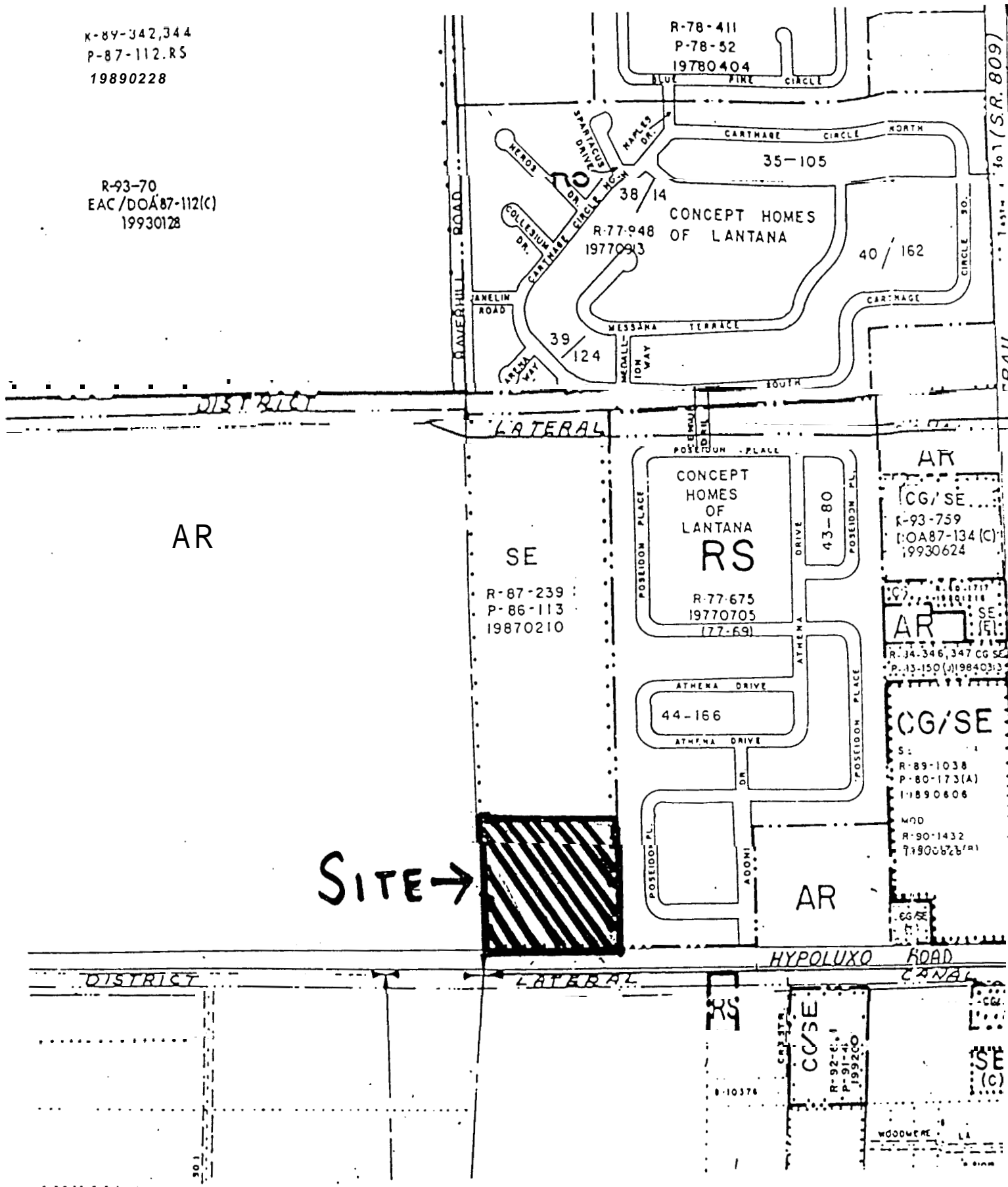


EXHIBIT C

VOLUNTARY COMMITMENTS

A. GENERAL

1. Prior to June 1, 1996, the petitioner shall record a Restrictive Covenant acceptable to the County Attorney's office limiting use of the site to the existing 3,798 square foot fruit and vegetable market. (MONITORING-County Attorney)

B. SITE PLAN APPROVAL

1. Prior to June 1, 1996, the petitioner shall obtain certification of a site plan by the Development Review Committee (DRC). (MONITORING-Zoning)
2. All improvements to the site required by the ULDC and certified site plan shall be completed prior to June 1, 1997. (MONITORING-Building/Zoning)

C. HEALTH

1. Application and engineering plans to construct an onsite sewage treatment disposal system (OSTDS) must be in accordance with Chapter 10D-6 FAC and Palm Beach County ECR-I prior to issuance of a building permit. (BLDG. PERMIT: MONITORING-Health)
2. The application and engineering plans to construct a Limited use Commercial water supply system must be in accordance with Chapter 10D-4 FAC and PBC ECR-II prior to issuance of a building permit. (BLDG. PERMIT: MONIOTRING-Health)

E. ENGINEERING

1. The property owner shall pay a Fair Share Traffic Impact Fee of \$10,835.00 prior to June 1, 1996. (197 trips X \$55.00 per trip). (DATE: MONITORING-Impact Fee Coord.)