

RESOLUTION NO. R-96-1184

RESOLUTION APPROVING ZONING PETITION Z96-52
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF AID FINANCIAL SERVICE
BY JAY DEUSCHLE, AGENT
(AID FINANCIAL REZONING)

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 public hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition Z96-52 was presented to the Board of County Commissioners at a public hearing conducted on August 22, 1996; 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 Standards) of the Palm Beach County Unified Land Development Code; 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 Z96-52, the petition of Aid Financial Service, by Jay Deuschle, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Neighborhood Commercial (CN) and Residential Medium (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 August 22, 1996 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 Marcus and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on August 22, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Brian C. Allen*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK

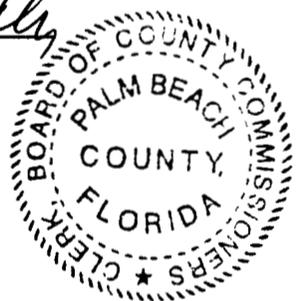


EXHIBIT A

LEGAL DESCRIPTION

BOUNDARY AND IMPROVEMENT SURVEY OF:

PARCEL 1:

BEGINNING AT AN IRON PIPE IN THE MILITARY TRAIL, 1344.03 FEET NORTH OF THE SOUTH QUARTER SECTION CORNER OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE RUNNING EASTERLY ALONG THE CENTERLINE OF MELALEUCA LANE, A DISTANCE OF 40 FEET; THENCE RUNNING SOUTHERLY, ALONG THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 25 FEET TO THE POINT OF BEGINNING OF THIS TRACT; THENCE RUN EASTERLY 132.96 FEET, ON A LINE PARALLEL TO THE CENTERLINE OF SAID MELALEUCA LANE, TO A POINT; THENCE SOUTHERLY 124.0 FEET ON A LINE PARALLEL TO THE EAST LINE OF THE WEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25 TO A POINT; THENCE WESTERLY 132.96 FEET ON A LINE PARALLEL TO THE CENTERLINE OF SAID MELALEUCA LANE TO A POINT IN THE EAST RIGHT-OF-WAY LINE OF SAID MILITARY TRAIL; THENCE NORTHERLY 124.0 FEET TO THE POINT OF BEGINNING.

AND

BEGINNING AT AN IRON PIPE IN THE MILITARY TRAIL 1344.03 FEET NORTH OF THE SOUTH QUARTER SECTION CORNER OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE RUNNING EASTERLY, ALONG THE CENTERLINE OF MELALEUCA LANE, A DISTANCE ~~OF~~ 40.00 FEET; THENCE RUNNING SOUTHERLY, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID MILITARY TRAIL, A DISTANCE OF 149.0 FEET TO THE POINT OF BEGINNING OF THE TRACT; THENCE RUN EASTERLY 212.96 FEET, ON A LINE PARALLEL TO THE CENTERLINE ~~OF~~ SAID MELALEUCA LANE, TO A POINT; THENCE SOUTHERLY 123.3 FEET, ON A LINE PARALLEL TO THE EAST LINE OF THE WEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25 TO A POINT; THENCE WESTERLY 212.95 FEET, ON A LINE PARALLEL TO THE CENTERLINE OF SAID MELALEUCA LANE, TO A POINT IN THE EAST RIGHT-OF-WAY LINE OF SAID MILITARY TRAIL; THENCE NORTHERLY 123.0 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT

THAT PORTION OF THE ABOVE REAL PROPERTY DESCRIBED IN ROAD RIGHT-OF-WAY WARRANTY DEED DATED OCTOBER 10, 1986, AND RECORDED JUNE 3, 1987 IN OFFICIAL RECORDS BOOK 5298, PAGE 1496 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: A PARCEL OF LAND IN SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, FOR ROAD RIGHT-OF-WAY PURPOSES, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE IN THE MILITARY TRAIL 1344.03 FEET NORTH OF THE SOUTH QUARTER SECTION CORNER OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE RUNNING EASTERLY ALONG THE CENTERLINE OF MELALEUCA LANE, A DISTANCE OF 40.00 FEET; THENCE RUNNING SOUTHERLY ALONG THE EAST RIGHT-OF-WAY LINE OF SAID MILITARY TRAIL, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE RUN EASTERLY 132.96 FEET, ON A LINE 25.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SAID MELALEUCA LANE TO A POINT; THENCE SOUTHERLY 25.00 FEET, ON A LINE PARALLEL TO THE EAST LINE OF THE WEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25 TO A POINT; THENCE WESTERLY 94.25 FEET, ON A LINE 50.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SAID MELALEUCA LANE TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTH $17^{\circ}13'32''$ WEST ALONG THE CHORD OF SAID CIRCULAR CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF $91^{\circ}33'00''$, A DISTANCE OF 35.83 FEET TO A POINT ON A LINE 53.00 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF SAID MILITARY TRAIL; THENCE SOUTHERLY, ALONG A LINE 53.00 FEET EAST OF AND PARALLEL WITH THE CENTERLINE OF SAID MILITARY TRAIL A DISTANCE OF 196.31 FEET; THENCE WESTERLY, ALONG A LINE PARALLEL WITH THE CENTERLINE OF SAID MELALEUCA LANE, A DISTANCE OF 13.00 FEET TO A POINT 40.00 FEET EAST OF THE CENTERLINE OF SAID MILITARY TRAIL; THENCE NORTHERLY, ALONG A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE CENTERLINE OF SAID MILITARY TRAIL, A

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DISTANCE OF 247.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND IN SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE IN MILITARY TRAIL 1344.03 FEET NORTH OF THE SOUTH QUARTER SECTION CORNER OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE RUNNING EASTERLY, ALONG THE CENTERLINE OF MELALEUCA LANE, A DISTANCE OF 332.96 FEET TO THE NORTHEAST CORNER OF THE WEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE RUN SOUTH, A DISTANCE OF 396 FEET ON THE EAST LINE OF THE WEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER TO THE POINT OF BEGINNING; THENCE RUN WEST, PARALLEL TO THE CENTERLINE OF SAID MELALEUCA LANE, A DISTANCE OF 292.35 FEET TO THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE RUN NORTH, ON SAID EAST RIGHT-OF-WAY LINE, A DISTANCE 124 FEET; THENCE RUN EAST, PARALLEL TO THE CENTERLINE OF SAID MELALEUCA LANE, A DISTANCE OF 292.35 FEET TO A POINT ON THE EAST LINE OF THE WEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE RUN SOUTH, A DISTANCE OF 124 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 25; THENCE NORTH 01 27'02" EAST, ALONG THE NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 947.12 FEET; THENCE SOUTH 88 32'58" EAST, AS MEASURED AT RIGHT ANGLES TO SAID NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 40.00 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL AS RECORDED IN DEED BOOK 297, PAGE 224, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 01 27'32" EAST, ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 124.33 FEET; THENCE SOUTH 85 53'53" EAST, DEPARTING SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 13.00 FEET; THENCE SOUTH 01 27'02" WEST, PARALLEL WITH AND 13.00 FEET EASTERLY OF SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 44.00 FEET; THENCE SOUTH 03 31'26" WEST, A DISTANCE OF 46.07 FEET; THENCE NORTH 86 59'58" WEST, A DISTANCE OF 11.34 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY FOR UTILITY PURPOSES OVER THE EAST 5 FEET OF THE WEST 58 FEET OF THE THE ABOVE DESCRIBED PROPERTY.

SAID PARCEL ALSO BEING DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE IN THE CENTERLINE OF MILITARY TRAIL 1344.03 FEET NORTH OF THE SOUTH QUARTER (S1/4) SECTION CORNER OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING ON THE CENTERLINE OF MELALEUCA LANE, AND ALSO BEING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE SOUTHEAST QUARTER (S.E.1/4) OF SAID SECTION 25; THENCE S86 59'58" E ALONG THE CENTERLINE OF SAID MELALEUCA LANE (THE CENTERLINE OF MELALEUCA LANE BEARS S86 59'58" E AND ALL OTHER BEARINGS ARE RELATIVE THERETO) AND ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) OF THE SOUTHEAST QUARTER (S.E.1/4) OF SAID SECTION 25, A DISTANCE OF 172.96 FEET TO A POINT 160 FEET WEST OF THE EAST LINE OF THE WEST ONE-QUARTER (W1/4) OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE SOUTHEAST QUARTER (S.E.1/4) OF SAID SECTION 25; THENCE S01 32'20" W, ALONG A LINE PARALLEL TO THE EAST LINE OF THE WEST ONE-QUARTER (W1/4) OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE SOUTHEAST QUARTER (S.E.1/4) OF SAID SECTION 25, A DISTANCE OF

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50.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S01 32'20"W, A DISTANCE OF 99.00 FEET; THENCE S86 59'58"E, ALONG A LINE PARALLEL TO THE CENTERLINE OF MELALEUCA LANE, A DISTANCE OF 80.00 FEET; THENCE S01 32'20"W, ALONG A LINE PARALLEL TO THE EAST LINE OF THE WEST ONE-QUARTER (W1/4) OF THE SOUTHWEST QUARTER (S.W. 1/4) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SAID SECTION 25, A DISTANCE OF 123.30 FEET; THENCE S86 59'58"E ALONG A LINE PARALLEL TO THE CENTERLINE OF MELALEUCA LANE, A DISTANCE OF 80 FEET TO THE EAST LINE OF THE WEST ONE-QUARTER (W1/4) OF THE SOUTHWEST QUARTER (S.W. 1/4) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SAID SECTION 25; THENCE S01 32'20"W ALONG THE EAST LINE OF THE WEST ONE-QUARTER (W1/4) OF THE SOUTHWEST QUARTER (S.W. 1/4) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SAID SECTION 25, A DISTANCE OF 124.00 FEET; THENCE N86 59'58"W ALONG A LINE PARALLEL TO THE CENTERLINE OF MELALEUCA LANE, A DISTANCE 281.01 FEET TO A POINT 51.34 FEET EAST OF THE WEST LINE OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SAID SECTION 25. SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE N03 31'26"E ALONG THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 46.57 FEET TO A POINT 53.00 FEET EAST OF THE WEST LINE OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SAID SECTION 25; THENCE N01 27'02"E ALONG THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 274.25 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE SOUTHEASTERLY; THENCE N47 13'32"E ALONG THE CHORD OF SAID CIRCULAR CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 91 33'00", A DISTANCE OF 35.83 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MELALEUCA LANE; THENCE S86 59'58"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF MELALEUCA LANE AND ALONG A LINE 50.00 FEET SOUTH OF AND PARALLEL TO THE CENTERLINE OF SAID MELALEUCA LANE, A DISTANCE OF 94.17 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 72746 SQUARE FEET OR 1.62 ACRES MORE OR LESS.

SUBJECT TO AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY F3R UTILITY PURPOSES OVER THE EAST 5 FEET OF THE WEST 58 FEET OF THE THE ABOVE DESCRIBED PROPERTY.

EXHIBIT C

VOLUNTARY COMMITMENTS

A. LANDSCAPING - STANDARD

1. All canopy trees required by this approval to be planted on the perimeter of the site shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE - Zoning)
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

B. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING MELALEUCA LANE)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (DRC / CO: ZONING / LANDSCAPE)

C. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING MILITARY TRAIL)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (DRC / CO: ZONING / LANDSCAPE)

D. LANDSCAPING ALONG EAST AND SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the east and south property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide Alternative 3 landscape buffer strip;
 - b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (DRC / CO: ZONING / LANDSCAPE)
2. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (DRC / CO: ZONING / LANDSCAPE)

E. SIGNS

1. Point of purchase and/or freestanding signs fronting on Military Trail site shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - twenty (20) feet; and,
 - b. Maximum number of signs - one (1). (CO: BLDG)
2. Point of purchase and/or freestanding signs fronting on Melaleuca Lane site shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum number of signs - one (1) square feet;
3. The combined square footage of all point of purchase and/or freestanding signs on site shall be limited to a maximum sign face area per side of 180 square feet. (CO: BLDG)

F. 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)