

RESOLUTION NO. R-98- 12

RESOLUTION APPROVING ZONING PETITION Z97-79
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF PBC - PREM Division
BY PETE BANTING, AGENT
(TRACT "K" 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 Z97-79 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 1998; 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 Z97-79, the petition of PBC - PREM Division, by Pete Banting, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Neighborhood Commercial (CN) 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 January 8, 1998 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 Foster and, upon being put to a vote, the vote was as follows:

Burt Aaronson, Chair	--	Absent
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	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 on January 8, 1998.

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

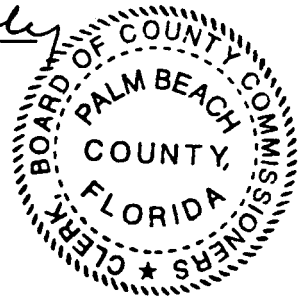


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTION 9, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT "K", SAN CASTLE FOURTH ADDITION AS RECORDED IN PLAT BOOK 26, PAGE 34 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (P.R.P.B.C.), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

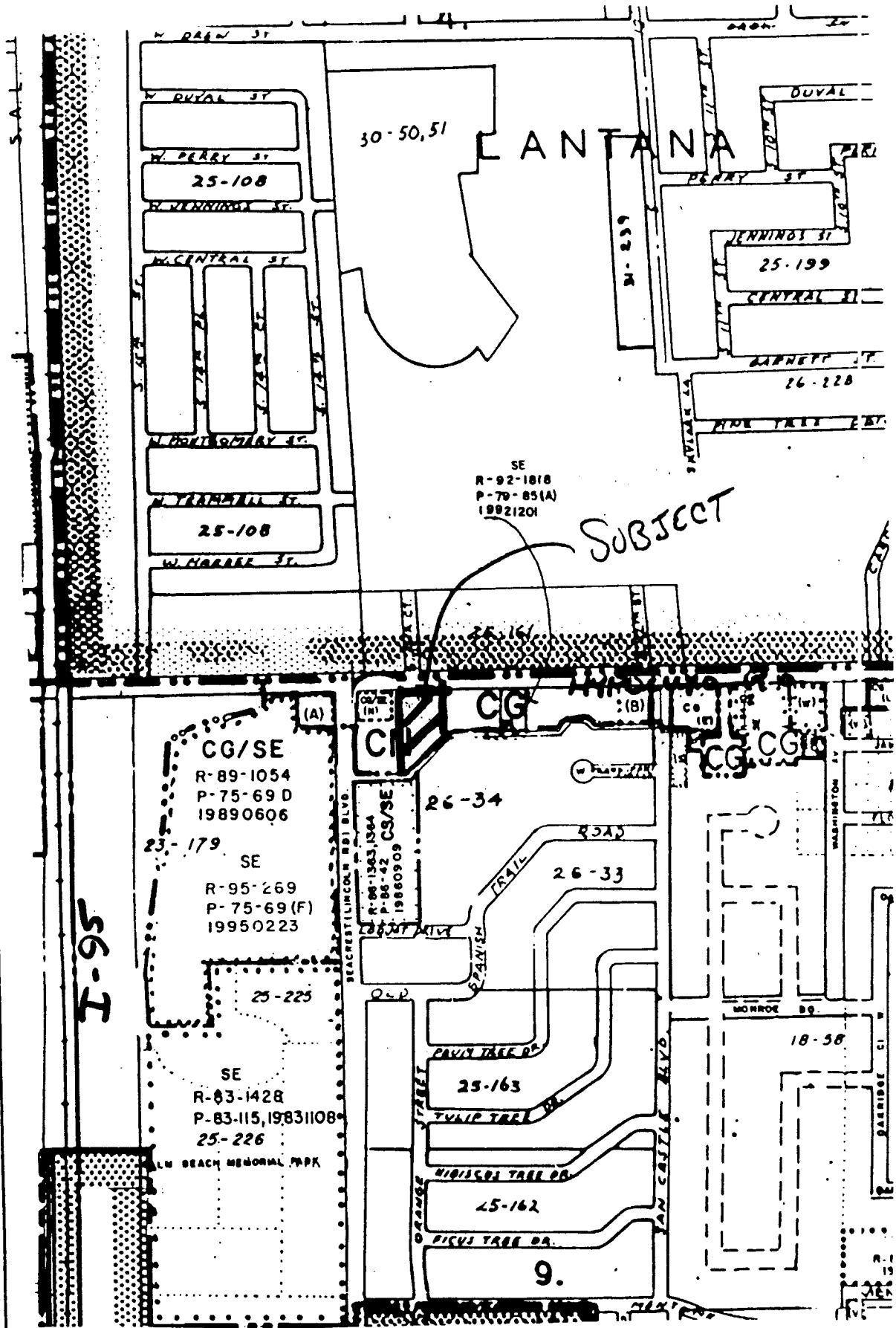
COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID SECTION 9; THENCE SOUTH 89°18'09" EAST ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 9 TO THE NORTHERLY EXTENSION OF THE EAST LINE OF TRACT "K" OF SAID SAN CASTLE FOURTH ADDITION, A DISTANCE OF 421.51 FEET; THENCE SOUTH 2°04'16" WEST ALONG SAID NORTHERLY EXTENSION TO THE NORTHEAST CORNER OF SAID TRACT "K", A DISTANCE OF 40.01 FEET; THENCE SOUTH 2°04'16" WEST ALONG THE EAST LINE OF SAID TRACT "K", A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 2°04'16" WEST ALONG THE EAST LINE OF SAID TRACT "K" TO THE SOUTHEASTERLY CORNER OF SAID TRACT "K", A DISTANCE OF 167.00 FEET; THENCE SOUTH 48°46'38" WEST ALONG THE SOUTHEAST LINE OF SAID TRACT "K" TO THE SOUTH LINE OF SAID TRACT "K", A DISTANCE OF 242.41 FEET; THENCE NORTH 89°18'09" WEST ALONG THE SOUTH LINE OF SAID TRACT "K" TO THE SOUTHEAST CORNER OF A PARCEL, RECORDED IN O.R.B. 8540, PAGE 1853 (P.R.P.B.C.) A DISTANCE OF 25.56 FEET; THENCE NORTH 2°04'16" EAST ALONG THE EAST LINE OF SAID PARCEL TO THE SOUTHWEST CORNER OF A CITY OF BOYNTON BEACH PARCEL RECORDED IN O.R.B. 4769, PAGE 1559, AS REVISED PER ORB _____, PAGE _____, (P.R.P.B.C.), A DISTANCE OF 186.68 FEET; (THE FOLLOWING NINE COURSES BEING COINCIDENT WITH THE BOUNDARY OF SAID CITY OF BOYNTON BEACH PARCEL) THENCE SOUTH 89°18'09" EAST ALONG THE SOUTH LINE OF THE SAID PARCEL A DISTANCE OF 33.00 FEET; THENCE SOUTH 48°10'17" EAST ALONG THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 29.91 FEET; THENCE SOUTH 89°18'09" EAST ALONG THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 14.00 FEET; THENCE NORTH 2°04'16" EAST ALONG THE EAST LINE OF SAID PARCEL A DISTANCE OF 20.00 FEET; THENCE NORTH 89°16'09" WEST A DISTANCE OF 20.00 FEET; THENCE NORTH 2°04'16" EAST A DISTANCE OF 40.00 FEET; THENCE NORTH 89°18'09" WEST A DISTANCE OF 25.00 FEET; THENCE NORTH 2°04'16" EAST TO THE NORTH LINE OF SAID PARCEL A DISTANCE OF 20.00 FEET; THENCE NORTH 89°18'09" WEST ALONG THE NORTH LINE OF SAID PARCEL TO THE NORTHWEST CORNER OF SAID PARCEL AND THE EAST LINE OF AFOREMENTIONED PARCEL AS RECORDED IN O.R.B. 8540, PAGE 1853 (P.R.P.B.C.) A DISTANCE OF 25.00 FEET; THENCE NORTH 2°04'16" EAST ALONG THE EAST LINE OF SAID PARCEL AS RECORDED IN O.R.B. 8540, PAGE 1853 (P.R.P.B.C.) TO A LINE 55.00 FEET SOUTH OF AND PARALLEL WITH AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID SECTION 9, A DISTANCE OF 82.00 FEET; THENCE SOUTH 89°18'09" EAST ALONG SAID PARALLEL LINE A DISTANCE OF 202.05 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1.13 ACRES OR 49,140 SQUARE FEET MORE OR LESS.

SUBJECT TO A 20' UTILITY EASEMENT IN FAVOR OF THE CITY OF BOYNTON BEACH AS RECORDED IN O.R.B. _____, PAGE _____ (P.R.P.B.C.)

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 97-79

Zoning Quad Page _____

Date: 8/20/97



EXHIBIT C

VOLUNTARY COMMITMENTS

A. LANDSCAPING ALONG THE SOUTH AND SOUTHEAST PROPERTY LINES

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum five (5) foot wide Alternative 1 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.
 - c. *Along* the interior and exterior 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. (DRG / CO: ZONING / LANDSCAPE)

B. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)

C. SIGNS

1. Freestanding point of purchase signs fronting on Hypoluxo Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten **(10)** feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one **(1)**; and
 - d. Style - monument style only. (CO: BLDG)

E. ENGINEERING

1. The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

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 noncompliance, 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)