

ORIGINAL

RESOLUTION NO. R-92-696

RESOLUTION APPROVING ZONING PETITION NO. 91-51
REZONING PETITION OF MEL E. AND J. PAM NEWMAN

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 91-51 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on February 27, 1992; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 91-51, the petition of MEL E. AND J. PAM NEWMAN, BY MEL E. NEWMAN, AGENT, for a REZONING FROM CN TO CG on a parcel of land lying in Lots 8 and 9, WEST TRAIL PARK, recorded in Plat Book 11, Page 31; and, Lots 3, 4, 5, 6 and 7, WEST TRAIL PARK, recorded in Plat Book 11, Page 31; Section 35, Township 43 South, Range 42 East; LESS the following described parcel: COMMENCE at the southwest corner of Lot 6, WEST TRAIL PARK, thence northerly along the westerly lot line of said Lot 6, a distance of 21.39 feet to a point; thence Southerly 88°27'15" East 103.3 feet to a point in the easterly lot line of Lot 3; thence Southerly along the said easterly lot line of said Lot 3, 21.77 feet to the southeasterly corner of said Lot 3; thence Westerly along the Southerly lot line of Lots 3, 4, 5, and 6 to the Southwesterly corner of Lot 6, which is the POINT OF BEGINNING, and being located ON THE NE CORNER OF THE INTERSECTION OF W. TRAIL DRIVE AND SOUTHERN BLVD., APPROX. 400' W OF HAVERHILL RD., was approved on February 27, 1992, as advertised, subject to voluntary commitments:

A. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances-
fuels, oils, solvents, or other hazardous chemicals is
required. ERM staff will provide guidance on appropriate
protective measures.
2. The use of pesticides shall be prohibited on site.

B. HEALTH

1. The application and engineering plans to construct on-
site potable water supply and/or on-site sewage disposal
system must be submitted to the Health Unit prior to
issuance of tie-down and/or Building Permit.
2. Water service is available to the property. Therefore, no
well shall be permitted on the site to provide potable
water.
3. Use of the site shall be limited to the retail sales of
containerized trees.

C. SIGNS

1. Point of Purchase signs on the property shall be limited
to the following:
 - a) Maximum sign height - ten (10) feet.
 - b) Maximum total sign face area - one hundred (100)
square feet.
 - c) Maximum number of signs - one (1).

E. ENGINEERING

1. The Developer shall provide discharge control and
treatment for the stormwater runoff in accordance with
all applicable agency requirements in effect at the time
of the permit application. However, at a minimum, this
development shall retain onsite the stormwater runoff
generated by a three (3) year-one (1) hour storm with a
total rainfall of 3 inches as required by the Permit
Section, Land Development Division. In the event that
the subject site abuts a Department of Transportation
maintained roadway, concurrent approval from the Florida
Department of Transportation will also be required. The
drainage system shall be maintained in an acceptable
condition as approved by the County Engineer. In the
event that the drainage system is not adequately
maintained as determined by the County Engineer, this
matter will be referred to the Code Enforcement Board for
enforcement.
2. The Developer shall design the drainage system such that
drainage from those areas which may contain hazardous or
undesirable waste shall be separate from stormwater
runoff from the remainder of the site.
3. Prior to August 31, 1992, the property owner shall:
 - a) Enter into a reservation agreement, executed by
both the property owner and Palm Beach County Board
of County Commissioners for the additional right-

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of-way of Southern Boulevard as shown on Palm Beach County's Thoroughfare Right of Way Protection Map.

- b) Revise the proposed site plan to delete access from the site onto Southern Boulevard.
- 4. The property owner 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 from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is \$550.00 (10 trips X \$55.00 per trip).
- 5. prior to August 31, 1992, the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney.
- 6. prior to August 31, 1992, the property owner shall ensure that the site meets minimum land development regulations of the Zoning Code or obtain appropriate variances.
- 7. Prior to the issuance of a building permit for any other office structure than a modular unit or change in Occupational License for a use other than retail sales of containerized trees, the petitioner shall construct West Trail Drive from Southern Boulevard to the project's entrance onto West Trail Drive. Construction shall be 2-10 feet travel lanes to Palm Beach County standards concurrent with onsite paving and drainage improvements. construction shall be completed prior to the issuance of the first Certificate of Occupancy.

Commissioner Roberts moved for approval of the Resolution.

The motion was seconded by Commissioner McCarty and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	--	aye
Carole Phillips	--	absent
Carol A. Roberts	--	aye
Carol J. Elmquist	--	aye
Mary McCarty	--	aye
Ken Foster	--	aye
Maude Ford Lee	--	aye

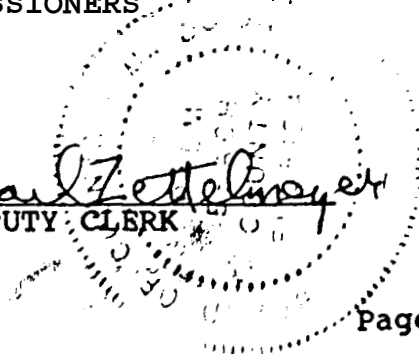
The Chair thereupon declared the resolution was duly passed and adopted this 12th day of May, 1992.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: Andrew Alter
COUNTY ATTORNEY

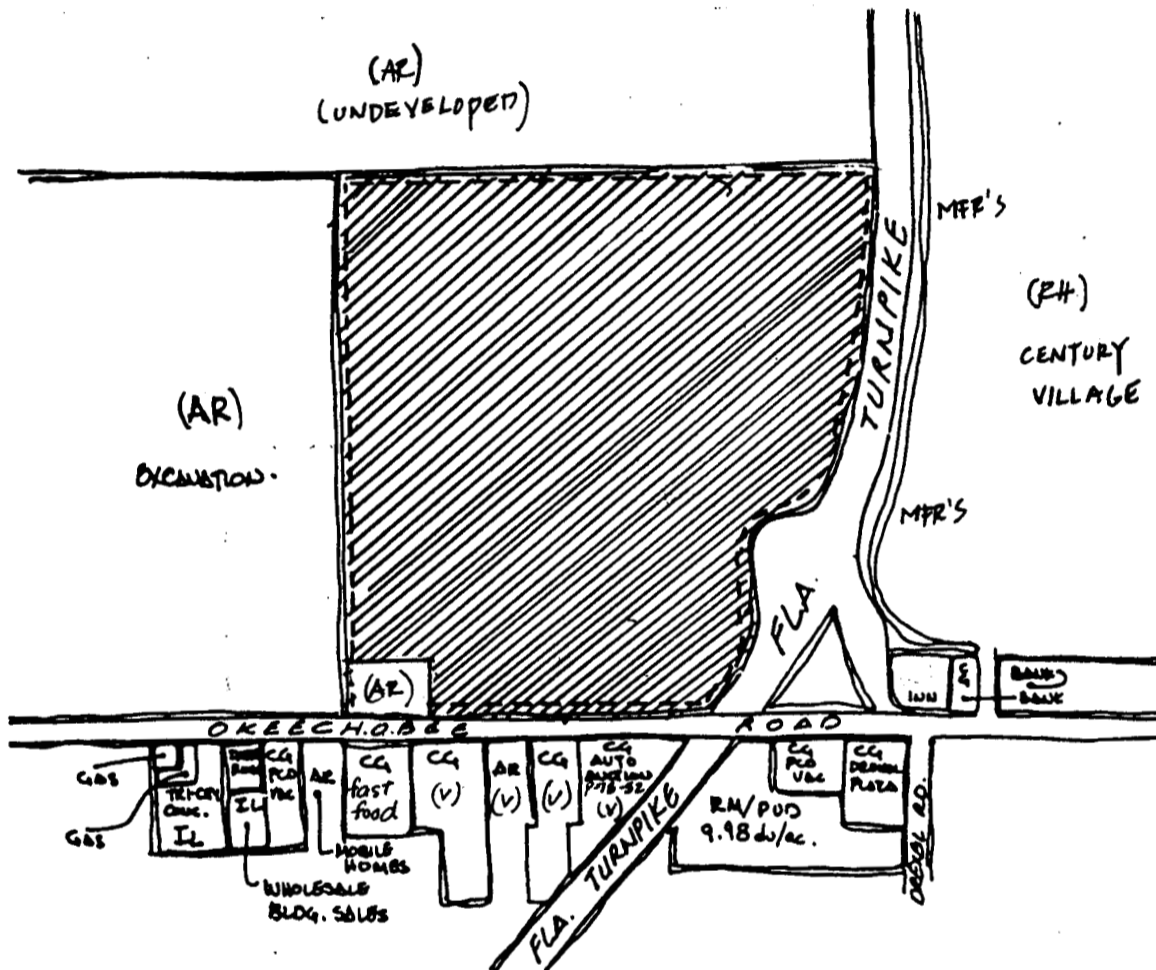
BY: Carl Zettelmeier
DEPUTY CLERK



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Sec. 22 Twp. 43 Rng. 42
 Quadrant Sheet: 31
 Aerial Page: 141

Vicinity
 Sketch



Request:

1. Determination that the proposed modification does not constitute a SUBSTANTIAL DEVIATION in accordance with Section 380.06 (Developments of Regional Impact), F.S.
2. SPECIAL EXCEPTION to amend the Master Plan for the Vista Center DRI to add two (2) access points from Okeechobee Blvd.
3. MODIFICATION OF COMMISSION REQUIREMENTS for Condition No. 10.c, of Resolution No. R-89-847 (access limitation).

PETITION NO: 84-130 (B)

BCC DISTRICT: 7