

RESOLUTION NO. R-92-1839

RESOLUTION APPROVING ZONING PETITION NO. 292-35
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF ARTHUR ROSACKER

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 Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Petition No. 292-35 was presented to the Board of County Commissioners at a public hearing conducted on December 4, 1992; 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 Land Development Code.
3. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.
4. This official zoning map amendment (rezoning) is consistent with all requirements of Article 5, Section 5.3 (Official Zoning Map Amendments) of the Palm Beach County Land Development Code, Ordinance 92-20.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County 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 No. 292-35, the petition of Arthur Rosacker by Robert A. Bentz, agent, for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the AGRICULTURAL RESIDENTIAL (AR) 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 December 4, 1992, subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson 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:

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

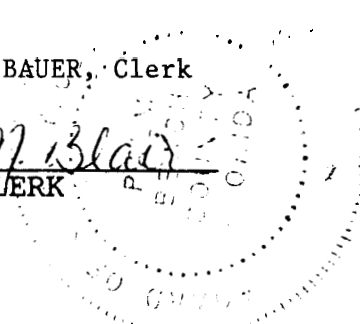
The Chair thereupon declared that the resolution was duly passed and adopted this 4th day of December, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: Lee Rosenthal for Barbara
COUNTY ATTORNEY Altman

MILTON T. BAUER, Clerk
BY: Jina M. Blair
DEPUTY CLERK



FILE:H:\WPDATA\PROD\RESOS\Z92-35.RZ

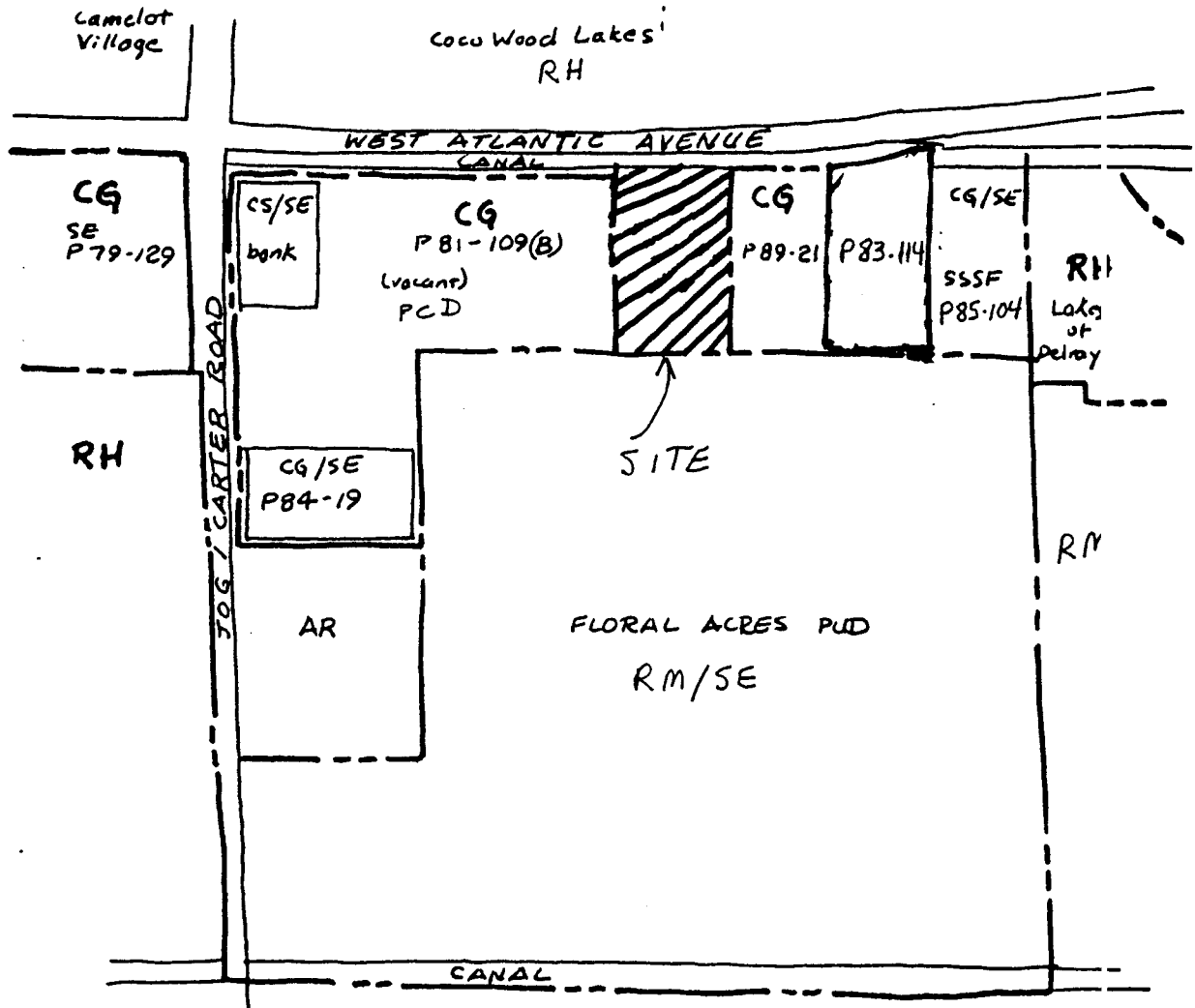
EXHIBIT "A"

DESCRIPTION:

THE WEST HALF (W. 1/2) OF THE NORTHWEST QUARTER (N.W. 1/4) OF THE
NORTHEAST QUARTER (N.E. 1/4) OF THE NORTHEAST QUARTER (N.E. 1/4) OF
SECTION 22, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY,
FLORIDA. LESS THE RIGHT OF WAY FOR STATE ROAD 806.

Sec. 22 Twp. 46 Rng. 42
Quadrant Sheet: 37

Vicinity Sketch



Request: The petitioner has applied for an Official Zoning Map Amendment from the Agricultural Residential (AR) Zoning District to the General Commercial (CG) Zoning District.

PETITION NO: 292-35

BCC DISTRICT: 5

"EXHIBIT C"

PETITION 292-35

APPROVAL OF THE PETITION IS SUBJECT TO THE FOLLOWING VOLUNTARY COMMITMENTS:

A. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances - fuels, oils, solvents, or other hazardous chemicals is required. (ERM)

B. HEALTH

1. Water service and sewer service are available to the property. Therefore, no potable well and/or on site sewage disposal system shall be permitted on the site. (HEALTH)
2. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (HEALTH)

C. LANDSCAPE WITHIN MEDIAN

1. Prior to site plan certification, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees:

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Ground cover:

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a) All plants shall be container grown or field collected and transplanted from the project site.
- b) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification.

All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or

Homeowners's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first, Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to filing of the next plat, to reflect this obligation. Maintenance shall be in accordance with the issued permits.
(ENGINEERING/ZONING)

D. USE LIMITATION

1. A cocktail lounge as a primary use shall not be permitted on the subject site. (ZONING)
2. The required cross access with the property to the south may be regulated with a controlled access gate. The method of controlling access shall be approved by the County Engineer, Zoning Division and the owner of the adjacent property to the south prior to installation. (ZONING/ENGINEERING)
3. A vocational school instructing aircraft and automotive mechanics shall not be permitted on the subject site. (ZONING)

E. ENGINEERING

1. The property owner shall convey to the Lake Worth Drainage District eighty-two (82) feet from the south right-of-way line of West Atlantic Avenue for the required right-of-way for the Lake Worth Drainage District Lateral Canal No. 34. This conveyance shall be by Quit Claim Deed or an Easement Deed in the form provided by said District. If the right-of-way is conveyed by easement, then the property owner shall convey a separate road right-of-way warranty deed to Palm Beach County, Land Development Division, for the north twelve (12) feet of the subject property for the construction of a right turn lane, west approach on West Atlantic Avenue. The remaining 70 feet of the subject property may be conveyed to Lake Worth Drainage District by easement in the form provided by Lake Worth Drainage District. These documents shall be submitted prior to March 1, 1993. (MONITORING-Engineering)
2. Prior to March 1, 1993 the property owner shall record a Cross Access Agreement, subject to prior approval by the County Attorney's office, with the property owner/developer to the South and West. Location and width shall be approved by the County Engineer and shall accommodate both vehicular and pedestrian traffic. Any future Site Plan or Building Plan shall accommodate this access. (ENGINEERING-Monitoring)
3. Developer shall lengthen the existing turn lane on West Atlantic Avenue at the project entrances. Geometrics will be required in accordance with the County Engineer approval. (ENGINEERING)
4. Property owner shall fund a pro-rata share of the cost of signalization if and when warranted, as determined by the County Engineer and the Florida Department of Transportation, at the intersection of El Clair Ranch Road and West Atlantic Avenue. Should signalization not be warranted within twenty-four (24) months after issuance of the final Certificate of Occupancy, this property owner shall be relieved from this condition. (ENGINEERING)