

RESOLUTION NO. R-2000-0008

RESOLUTION APPROVING ZONING PETITION Z/COZ99-069
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF GAETA LTD. PARTNERSHIP #1
BY NEIL J. GAETA AND LOUIS A. GAETA, JR., AGENT
(NORTHLAKE DIVERS OUTLET)

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 Z/COZ99-069 was presented to the Board of County Commissioners at a public hearing conducted on January 6, 2000; 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) with approved conditions 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) with approved conditions 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) with approved conditions 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, as amended; 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 Z/COZ99-069, the petition of GAETA Ltd. Partnership #1 by Neil J. Gaeta and Louis A. Gaeta, Jr., agent, for an Official Zoning Map Amendment (Z/COZ) from Residential Medium Density (RM) to General Commercial (CG) with a Conditional Overlay Zone (COZ) 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 6, 2000, subject to the conditions of the CONDITIONAL OVERLAY ZONE (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 6, 2000.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Darlene Altier*
COUNTY ATTORNEY

BY: *Jan Hawley*
DEPUTY CLERK

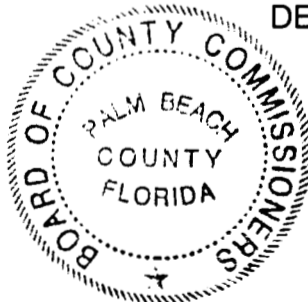


EXHIBIT A

LEGAL DESCRIPTION

A PARCELOFLAND LYING INTHE NORTHEASTQUARTER OF SECTION24, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBEDAS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 24, THENCE NORTH 88°32'48" WEST ALONG THE NORTH LINE OF SAID SECTION, (THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 24 IS ASSUMED TO BEAR NORTH 88°32'48" WEST AND ALL OTHER BEARINGS ARE RELATIVE THERETO) A DISTANCE OF 495.44 FEET TO THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 24, WHICH IS ALSO THE CENTERLINE OF SUNSET DRIVE AS NOW LAID OUT AND IN USE; THENCE SOUTH 01°24'37" WEST ALONG SAID WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE EAST HALF OF THE EAST HALF AND THE CENTERLINE OF SUNSET DRIVE, A DISTANCE OF 392.54 FEET; THENCE SOUTH 88°37'59" EAST A DISTANCE OF 165.01 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE SOUTH 01°25'47" WEST ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 75.00 FEET; THENCE SOUTH 88°37'59" EAST A DISTANCE OF 40.17 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 9 (I-95); THENCE NORTH 08°32'22" WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 9 (I-95), A DISTANCE OF 58.68 FEET; THENCE NORTH 01°09'05" EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 9 (I-95) A DISTANCE OF 17.20 FEET; THENCE NORTH 88°37'59" WEST A DISTANCE OF 29.89 FEET TO THE POINT OF BEGINNING.
TOGETHER WITH

THE NORTH 75 FEET OF THE SOUTH 2260.21 FEET OF THE EAST 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH AN EASEMENT OVER THE NORTH 30 FEET OF THE SOUTH 2185.21 FEET OF THE EAST HALF (E 1/2) OF THE WEST HALF (W 1/2) OF THE EAST HALF (E 1/2) OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B

VICINITY SKETCH

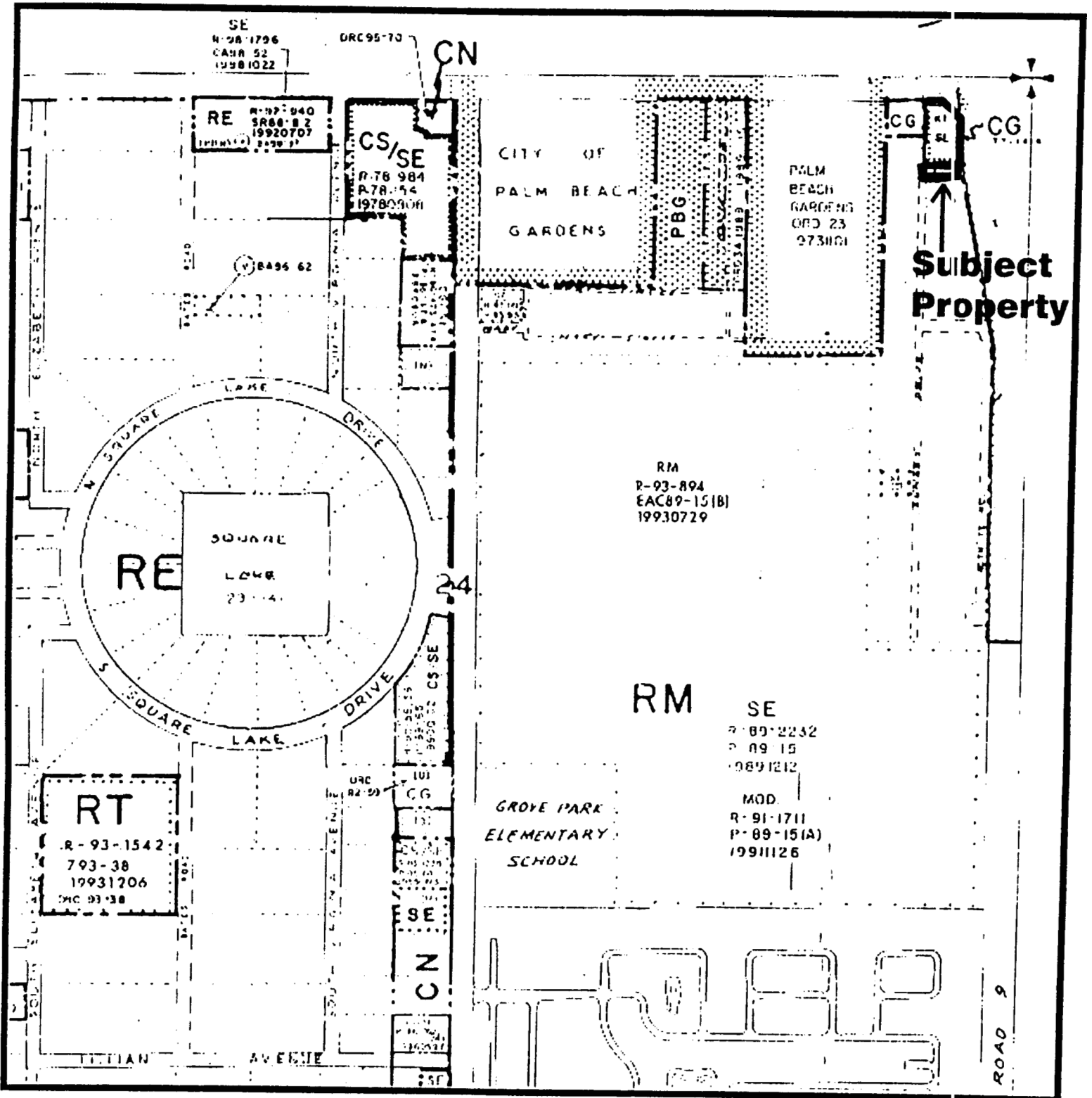


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: Conditions are limited to the 0.32 acre COZ parcel only.

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated October 25, 1999. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ADJACENT TO RESIDENTIAL)

1. Landscaping and buffering along the south property line shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A continuous two (2) foot high berm measured from top of curb;
 - c. A four (4) foot high opaque concrete wall placed on top of the berm. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed alternating on both the interior and exterior sides of the required wall:
 - a. One (1) canopy tree planted every twenty (20) feet on center. A group of three (3) or more pine trees may supersede the requirement for a canopy tree in that location. A maximum twenty-five (25%) percent of the required canopy trees within the buffer may be replaced by the pine tree clusters;
 - b. One (1) additional ornamental tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet between clusters; and
3. 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 forty-eight (48) inches. (CO: LANDSCAPE)

C. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING SUNSET DRIVE)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty-five (25) feet on center;
 - c. One (1) additional ornamental tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; 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. (CO: LANDSCAPE)

D. PLANNING

1. The 0.32 acre parcel shall be limited to at-grade parking, landscaping, and water retention. No structures shall be located on this parcel. (DRC/ONGOING: PLANNING-Code Enforcement)
2. Outdoor storage is prohibited. (ONGOING: PLANNING-Code Enforcement)

E. ENGINEERING

No Engineering conditions.

F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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.

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)