

RESOLUTION NO. R-93- 651

RESOLUTION APPROVING ZONING PETITION 293-07  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF OSCAR K. JOHNSON

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, Zoning Petition 293-07 was presented to the Board of County Commissioners at a public hearing conducted on May 27, 1993; 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 compatible with surrounding uses and zones, as defined in the Palm Beach County 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) of the Palm Beach County Land Development Code, Ordinance 92-20; 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 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 **Z93-07**, the petition of OSCAR K. JOHNSON, BY ANNA COTTRELL, AGENT for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT to the AGRICULTURAL RESERVE (AGR) ZONING DISTRICT 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 May 27, 1993, subject to the conditions of approval 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 Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of May, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

A parcel of land in Section 1, Township 46 South, Range 41 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 1; thence North 00° 39' 00" West along the East line of said Section 1 (the East line of said Section 1 is assumed to bear North 00° 39' 00" West and all other bearings are relative thereto) a distance of 2232.20 feet to a point; thence South 89° 53' 00" West a distance of 80.81 feet to a point on the West right-of-way line of State Road No. 7 as shown on Florida Department of Transportation right-of-way map 93210-2101 and the Point of Beginning of the hereinafter described parcel; thence South 89° 53' 00" West a distance of 1369.27 feet to a point on the West line of the East 1450.00 feet of the Southeast Quarter of said Section 1 and a point on the West line of a Florida Power & Light Easement recorded in Official Record Book 1818, Page 683. Public Records of Palm Beach County, Florida; thence North 00° 39' 00" West, along said West line, a distance of 461.30 feet to a point on the North line of the Southeast Quarter of said Section 1; thence North 89° 53' 00" East, along said North line, a distance of 1367.53 feet to a point on said West right-of-way line of State Road No. 7; thence South 00° 51' 57" East along said right-of-way line, a distance of 461.32 feet to the **Point of Beginning**.

Containing in all **14.49** acres, more or less.

EXHIBIT B  
VICINITY SKETCH

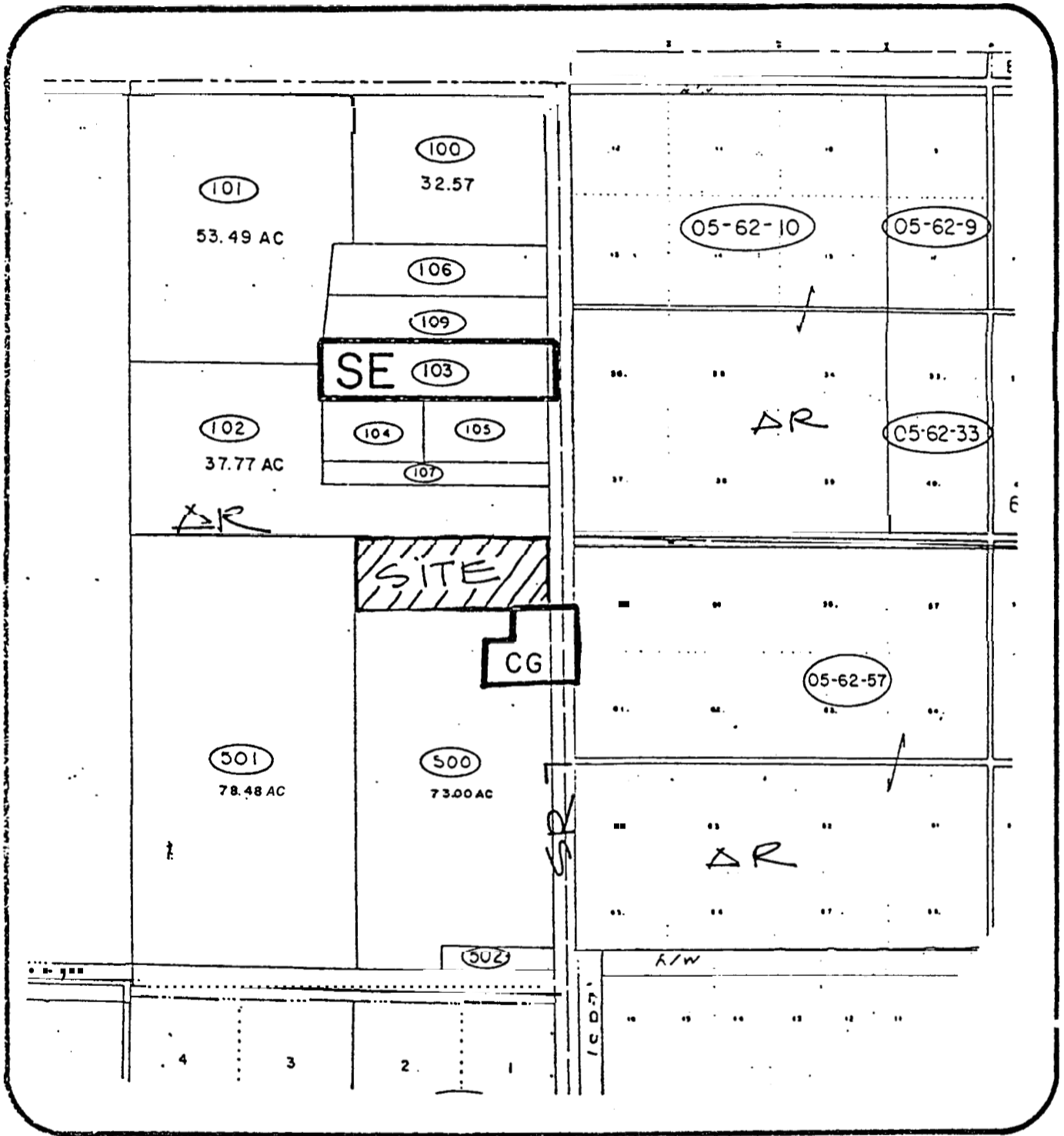


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL CONDITIONS

1. No machinery or vehicle maintenance or repair shall be performed on the subject property. (ZONING)
2. The minimum setback for all structures adjacent to the east property line shall be one hundred (100) feet, measured from the ultimate right-of-way of State Road 7. (BUILDING)
3. Prior to June 30, 1994, the property owner shall record, in the public records of Palm Beach County, a plat of the subject property pursuant to requirements of the Palm Beach County Unified Land Development Code. No administrative time extensions shall be granted to this condition. (MONITORING)
4. Use of the subject property is limited to the uses and design as indicated in the certified site plan. The portion of the site not indicated to be developed shall be limited to agricultural production. (ZONING)
5. No sales or storage shall occur from tractor/trailer trucks on the subject site. This does not preclude overnight storage of material which could not be unloaded during normal business hours. (CODE ENFORCEMENT)

B. HEALTH

1. The application and engineering plans to construct a limited use drinking water supply system must be submitted to the Health Unit prior to site plan approval by the Development Review Committee. (HEALTH)
2. The application and engineering plans to construct an on-site wastewater disposal system must be submitted to the Health Unit prior to site plan approval by the Development Review Committee. (HEALTH)
3. Use of the site shall be limited to 30,000 square feet of warehouse for the wholesale storage and distribution of agricultural related products or materials and shall not manufacture, fabricate or assemble any products on site. (ZONING/HEALTH)

C. RECYCLE SOLID WASTE

1. The property owner, lessee and operator shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)

D. SIGNS

1. Point of purchase signs fronting on State Road 7 (US HWY 441) shall be limited as follows:
  - a. Maximum sign height, measured from finished grade - ten (10) feet;
  - b. Maximum sign face area per side - one hundred fifty (150) square feet;
  - c. Maximum number of signs - one (1). (BUILDING)

**E. ENGINEERING**

1. Prior to approval by the DRC Committee for the proposed site plan the site shall be redesigned such that all Zoning and Land Development Codes are met after the ultimate right-of-way taking for State Road 7 **has** been accomplished. (ENGINEERING)

**F. LANDSCAPING - GENERAL**

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape conditions of approval. (ZONING)
2. All trees required to be planted **on** site by this approval 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. (ZONING)

**G. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING RIGHTS-OF-WAY)**

1. Landscaping within the required buffer along the east property shall be upgraded to include:
  - a. One (1) native canopy tree planted every twenty (20) feet **on** center;
  - b. One (1) native palm trees for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
  - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center **at** installation. (ZONING)