

RESOLUTION NO. R-94-12

RESOLUTION APPROVING ZONING PETITION **285-113(B)**
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF WILLIAM & DAPHNE CLEVE

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 **285-113(B)** was presented to the Board of County Commissioners at a public hearing conducted on January 3, 1994; 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 **Z85-113(B)** the petition of William & Daphne Cleve for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Single-Family Residential (RS) ZONING DISTRICT to the Community Commercial (CC) 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 January 3, 1994, subject to the conditions of the Conditional Overlay Zone 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 Lee and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 3rd day of January, 1994.

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

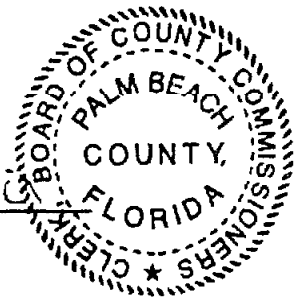


EXHIBIT A
LEGAL DESCRIPTION

PARCEL "A"

LEGAL DESCRIPTION

A PARCEL BEING A PORTION OF THE SOUTHWEST QUARTER (S.W. 1/4) OF THE SOUTHWEST QUARTER (S.W. 1/4) OF THE SOUTHWEST QUARTER (S.W. 1/4) OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID SECTION 4 RUN $N02^{\circ}18'16''W$ ALONG THE WEST LINE OF SAID SECTION 4 A DISTANCE OF 348.39 FEET; THENCE $S89^{\circ}50'23''E$ A DISTANCE OF 40.03 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HIGH RIDGE ROAD (80.00 FEET WIDE) AND POINT OF BEGINNING. CONTINUE THENCE $S89^{\circ}50'23''E$ ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 223.50 FEET; THENCE $S02^{\circ}18'16''E$ PARALLEL WITH SAID EASTERLY RIGHT-OF-WAY LINE OF HIGH RIDGE ROAD A DISTANCE OF 293.60 FEET; THENCE $N90^{\circ}00'00''W$ ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF HYPOLUXO ROAD (108 FEET WIDE) A DISTANCE OF 199.46 FEET; THENCE $N46^{\circ}09'08''W$ A DISTANCE OF 34.64 FEET; THENCE $N02^{\circ}18'16''W$ ALONG THE "EASTERLY" RIGHT-OF-WAY LINE OF HIGH RIDGE ROAD A DISTANCE OF 270.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.500 ACRES.

SFRN PROJECT 193,051
AUGUST 11, 1993

85-113B

SEP 15 1993

EXHIBIT B
VICINITY SKETCH

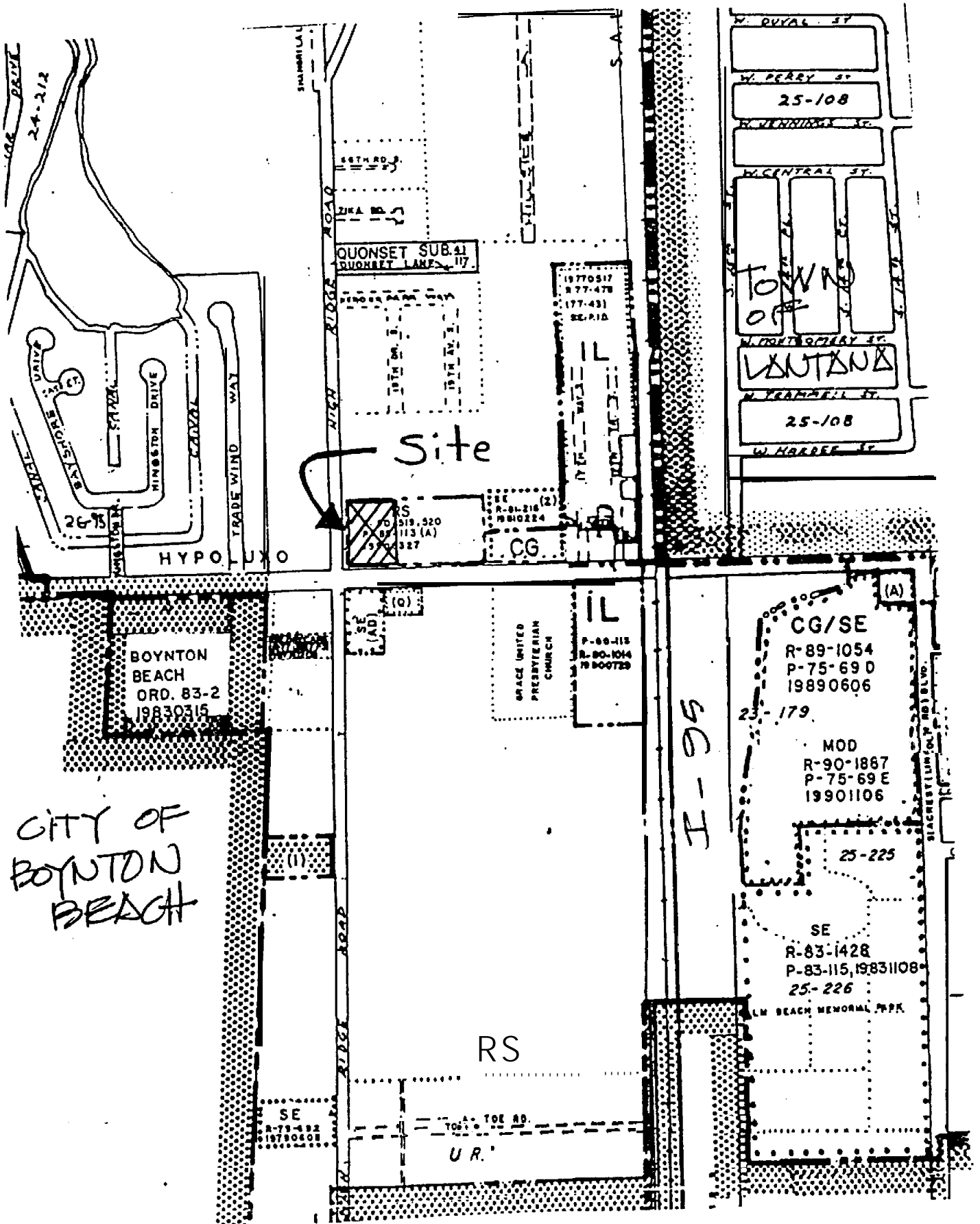


EXHIBIT C

CONDITIONS OF APPROVAL:

A. GENERAL

1. To ensure consistency with the proposal prior to the issuance of a building permit, the petitioner shall apply for and receive certification of a Final Site Plan from the Development Review Committee pursuant to Section 5.6 of the ULDC. (BUILDING - Zoning)
2. To ensure compliance with the requirements of the ULDC, use of the site shall be limited to retail sales only, no on-site repair shall be permitted. (CODE ENFORCEMENT-Zoning)

B. LANDSCAPE WITHIN MEDIAN

1. Prior to recordation of the required plat, the property owner 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:

<u>Trees :</u>	<u>Ground cover:</u>
Laurel Oak	Wedilia
Live Oak	Bahia Grass
Slash Pine	
Sabal Palmetto	

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. (ENGINEERING)
2. 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 concurrent with the first plat, whichever occurs first. (BUILDING/ENGINEER - Zoning)

3. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to (receiving the) filing of the required plat to reflect this obligation. Maintenance shall be in accordance with the issued permits. (ENGINEERING - County Attorney)

C. RECYCLE OIL

1. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil. (ERM)

D. RECYCLE SOLID WASTE

1. The property owner and/or lessees 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)

E. ENGINEERING

1. Prior to DRC approval the site plan shall be amended to reflect cross access between this parcel and the remaining 2.0 acres to the east. (ENGINEERING)
2. 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 \$65,615.00 (1,193 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).
3. The Developer shall either record a **plat** or file a waiver of plat for the entire property included in the original petition (4.33 acres) in accordance with provisions of Article 8 of the Unified Land Development Code. (ENGINEERING).

F. HEALTH

1. The application and engineering plans to construct a **non-**community drinking water supply system must be submitted to the PBC Health Unit prior to site **plan** approval by the Development Review Committee. (HEALTH)
2. The application and engineering plans to construct an **onsite waste** water disposal system must be submitted to the PBC Health Unit prior to site plan approval by the Development Review Committee. (HEALTH)

G. ACCESS

1. Access to the site from High Ridge Road shall be limited to entrance only and permanently closed at such time any portion of the parent tract is rezoned. (ENGINEERING)

H . LANDSCAPING

1. The landscaping buffer along the north property line shall be upgraded to include:
 - a. minimum ten (10) foot width;
 - b. minimum six (6) foot high wall;
 - c. trees planted twenty (20) feet on center; and
 - d. hedge **material** planted twenty four (24) inches on center on both sides of the required wall.