

RESOLUTION NO. R-94- 112

RESOLUTION APPROVING ZONING PETITION **Z85-95(D)**
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF SEAMAN DEVELOPMENT CORPORATION

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 **Z85-95(D)** was presented to the Board of County Commissioners at a public hearing conducted on January, 27, 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 **Z85-95(D)**, the petition of Seaman Development Corporation for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Commercial High Intensity Office (CHO) 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, with a CONDITIONAL OVERLAY ZONE (COZ) on a parcel of land legally described in EXHIBIT B, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT C, attached hereto and made a part hereof, was approved on January 27, 1994, subject to the conditions of the Conditional Overlay Zone described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Lee moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 27th 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

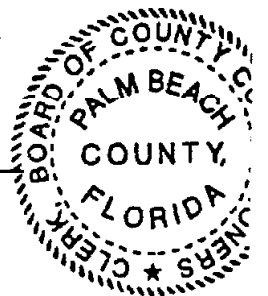


EXHIBIT A

LEGAL DESCRIPTION
OFFICIAL ZONING MAP AMENDMENT

A PARCEL OF LAND LYING IN SECTION 18, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID LAND BEING A PORTION OF TRACTS 93 AND 94, BLOCK 77 OF PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGE 53 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONHENCING AT THE NORTHWEST CORNER OF SAID TRACT 931

THENCE WITH A BEARING OF DUE EAST, ALONG THE NORTH LINE OF SAID TRACT 93, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE WITH A BEARING OF DUE EAST, ALONG THE NORTH LINE OF SAID TRACT 93, A DISTANCE OF 73.00 FEET TO A POINT;

THENCE WITH A BEARING OF DUE SOUTH, A DISTANCE OF 265.50 FEET TO A POINT;

THENCE WITH A BEARING OF DUE EAST, A DISTANCE OF 51.00 FEET TO A POINT;

THENCE WITH A BEARING OF S. 39° 07' 26" E., A DISTANCE OF 224.29 FEET TO A POINT;

THENCE WITH A BEARING OF DUE EAST, A DISTANCE OF 20.84 FEET TO A POINT;

THENCE WITH A BEARING OF S. 55° 30' 00" E., A DISTANCE OF 2.59 FEET TO A POINT;

THENCE WITH A BEARING OF DUE SOUTH, A DISTANCE OF 71.03 FEET TO A POINT;

THENCE WITH A BEARING OF DUE EAST, A DISTANCE OF 46.36 FEET TO A POINT;

THENCE WITH A BEARING OF S. 20° 00' 00" E., A DISTANCE OF 11.41 FEET TO A POINT;

THENCE WITH A BEARING OF S. 50° 00' 00" E., A DISTANCE OF 11.41 FEET TO A POINT;

THENCE WITH A BEARING OF DUE SOUTH, A DISTANCE OF 64.94 FEET TO A POINT LYING ON THE NORTH RIGHT-OF-WAY LINE OF GLADES ROAD (STATE ROAD NO. 808);

THENCE WITH A BEARING OF DUE WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF GLADES ROAD, SAID LINE LYING 65.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID TRACTS 93 AND 94, A DISTANCE OF 347.50 FEET TO A POINT;

THENCE WITH A BEARING OF DUE NORTH, ALONG A LINE LYING 150.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID TRACT 93, A DISTANCE OF 595.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 102,881 SQUARE FEET (2,362 ACRES), MORE OR LESS, AND SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B

LEGAL DESCRIPTION
CONDITIONAL OVERLAY ZONE

6.2 acres described as Tract 93, less the West 150 feet and less the South 40 feet and Tract 94, less the East 60 feet and less the South 40 feet of Block 77, Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, Page 53, of the Public Records of Palm Beach County, Florida, less the North 25 feet of the South 65 feet of the foregoing parcel.

EXHIBIT D

CONDITIONS OF APPROVAL

NOTE: At the end of each condition is a notation indicating the parcel to which the condition applies.

A. GENERAL

1. Resolution R-89-1161, adopted June 13, 1989, approving a special exception to allow a Planned Office Business Park, is hereby repealed. (6.2 acre parcel) (**MINUTES-Zoning**)

B. SITE DESIGN

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. (2.36 acre parcel) (ZONING/BUILDING)
2. To ensure that due notice of wetland issues is provided, a notice shall be recorded in the public records of Palm Beach County, encumbering the remaining 3.84 acre Commercial High Office (CHO) parcel, notifying all prospective owners that the parcel is subject to the Mandatory Performance Standards of the ULDC, the Adequate Public Facilities Ordinance, and all applicable wetland and vegetation protection regulations. This notice shall be recorded, in a manner and form acceptable to the County Attorney, prior to platting any portion of the 6.2 acre parcel or the issuance of any building permits on any portion of the 6.2 acre parcel. (6.2 acre parcel) (BUILDING/COUNTY ATTORNEY/ENGINEERING)
3. To ensure that the residential area to the north is adequately buffered from the proposed development, the site plan shall be amended, prior to DRC certification, to reflect a minimum one hundred twenty by seventy foot (**120' x 70'**) buffer from the rear property line. This area shall be cleared of all prohibited species, maintained as an open space/retention area and supplemented with one (1) native tree per two hundred fifty (250) square feet.

In addition, a minimum six (6) foot high concrete wall shall be provided along the northern most parking area. Along the south side of the required wall, the petitioner shall install native canopy trees twenty (20) feet on center and a continuous opaque hedge in accordance with ULDC requirements. (2.36 acre parcel) (ZONING/BUILDING)

4. To ensure that the proposed structure does not create any potential adverse impacts on the area, the required landscaping within the right-of-way buffer along Glades Road shall be supplemented with a minimum of one (1) native palm tree per thirty (30) linear feet of frontage in addition to the landscape requirements of the ULDC. These palm trees shall be planted within the portion of the right-of-way buffer west of the access drive and east of the west property line. (2.36 **acre** parcel) (ZONING/BUILDING)

5. To ensure that all potential impacts created by future development on the CHO zoned portion of the parent tract are mitigated, any development on the remaining 3.84 acre CHO parcel not encumbered by a conservation easement shall require approval by the Board of County Commissioners through the Class A Conditional Use process and the certification of a site plan by the Development Review Committee. (3.84 acre parcel) (BUILDING-Zoning)
6. To ensure that the all sides of the building receive adequate buffering and landscape treatment, the site plan shall be amended to provide one landscape terminal island for every eight (8) parking spaces adjacent to the building. (2.36 acre parcel) (ZONING-Building)
7. To ensure that the front facade of the proposed structure, facing Glades Road, receives landscape treatment consistent with the landscape plan provided by the petitioner, the site plan shall indicate a landscape strip along the south facade of the structure, as indicated on Exhibit E. This area shall be planted with one (1) tree per fifty (50) square feet of required landscape area. These trees may be planted in groupings spaced no more than forty (40) feet on center. (2.36 acre parcel) (ZONING-Building)
8. Access to the site shall be limited to one (1) ingress/egress point from Glades Road. (6.2 acre parcel) (ZONING)
9. Cross access shall be provided between all properties in a manner, form and location acceptable to the County Attorney, County Engineer, and Zoning Director. (6.2 acre parcel) (COUNTY ATTORNEY/ENGINEERING/ZONING)
10. A minimum fifty (50) foot front setback and fifteen (15) foot side setback shall be required. (2.36 acre parcel) (ZONING/BUILDING)
11. Total gross square footage shall be limited to a maximum of 22,380 square feet except for additional square footage permitted pursuant to Section **5.4.E.13** (Minor Deviations) of the ULDC. (2.36 acre parcel) (ZONING)

C. USE LIMITATIONS

1. To ensure compliance with the requirements of the mandatory traffic performance standards, use of the site shall be limited to a furniture store until construction commences for the six lane widening of Glades Road from SR 7 to the Florida Turnpike. (2.36 acre parcel) (ENGINEERING/PLANNING)
2. To ensure that uses on the site are compatible with the surrounding area, the site shall be limited to the uses, thresholds, and property development regulations of the Community Commercial (CC) Zoning District, with the exception of side and front setbacks (see Condition A-10.). (2.36 acre parcel) (ZONING/BUILDING)

D. ENVIRONMENT RESOURCE MANAGEMENT

1. To ensure adjacent wetlands are adequately buffered from commercial development, the site plan shall be amended prior to certification by the DRC to indicate a **twenty five (25)** foot setback from the edge of construction to the edge of the adjacent wetlands. As an alternative, a

setback acceptable to the South Florida Water Management District shall be allowed. At a minimum, however, a setback of fifteen (15) feet shall be required. (2.36 acre parcel) (ERM)

2. To ensure the preservation and protection of wetlands the petitioner shall, prior to the issuance of any building permits on any portion of the 6.2 acre parcel, record, in accordance with the ULDC, a conservation easement encompassing all jurisdictional wetland areas within the 3.84 acre parcel as determined by ERM. (3.84 acre parcel) (BUILDING/ERM/COUNTY ATTORNEY)

E. ENGINEERING

1. Prior to DRC approval of the site plan the property owner shall either obtain verification from the Florida Department of Transportation that the construction plans for Glades Road shall be modified to reflect construction of a left turn lane, west approach on Glades Road at the project's entrance road or relocate the project's entrance road to the west property line subject to approval by the County Engineer. Should the property owner relocate the entrance to the west this property owner shall request the Florida Department of Transportation to appropriately install no "U" turn signs within the median of Glades Road. (2.36 acre parcel) (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 for use as general retail presently is **\$84,590.00** (1,538 trips X \$55.00 per trip). However, the applicant is entitled to an impact fee credit based upon the road impact fee paid in March, 1987 for prior approved use. (2.36 acre parcel) (IMPACT FEE COORDINATOR)
3. Prior to the issuance of any building permits the Developer shall plat the 2.36 acre CG parcel and the 3.84 acre CHO parcel showing a conservation easement as required in condition D.2 petition 85-95(D) in accordance with provisions of Article 8 of the Unified Land Development Code. (6.2 acre parcel) (BUILDING/ENGINEERING-ERM-County Attorney)

F. FREE STANDING SIGNS

1. Point of purchase and/or free standing signs on Glades Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet.
 - b. Maximum total sign face area, per side - 100 square feet.
 - c. Maximum number of signs - one (1).
 - d. Style - monument style only. (2.36 acre parcel) (BUILDING-Zoning)

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