

RESOLUTION NO. R-94- 358

RESOLUTION APPROVING ZONING PETITION 284-163(A)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF ARCADIA PROPERTIES, INC.

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 **284-163(A)** was presented to the Board of County Commissioners at a public hearing conducted on March 24, 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 284-163(A), the petition of Arcadia Properties, Inc., for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Commercial High Intensity Office (CHO) 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 March 24, 1994, subject to the conditions of the Conditional Overlay Zone 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 Marcus 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	--	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 24th day of March, 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

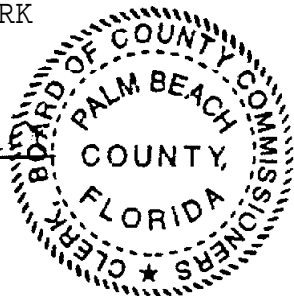


EXHIBIT A

LEGAL DESCRIPTION

ARCADIA PROPERTIES

LEGAL DESCRIPTION

The West 150.00 feet (150.04 feet along property line) of the East 263.00 feet (203.06 feet along property line) of the South 548.53 feet (548.68 feet along property line) of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of Section 2, Township 46 South, Range 42 East. Less and excepting therefrom the following: the South 14.52 feet thereof as recorded in O.R. Book 67 at Page 527 of the Public Records of Palm Beach County, Florida; less the East 7.00 feet thereof as recorded in O.R. Book 5206 at Page 0141 of the Public Records of Palm Beach County, Florida and less a triangular parcel, located at the N.E. corner of the above described land, described as follows: Commencing at the Northeast corner of said Section 2; thence S $01^{\circ}30'17''$ E on an assumed bearing, along the East line of said Section 2 a distance of 2,073.79 feet; thence S $89^{\circ}46'24''$ W a distance of 60.01 feet; thence S $01^{\circ}30'17''$ E a distance of 60.00 feet to the Point of Beginning; thence continue S $01^{\circ}30'17''$ E a distance of 25.00 feet; thence N $45^{\circ}49'58''$ W a distance of 35.76 feet; thence N $89^{\circ}49'47''$ E a distance of 25.00 feet to the Point of Beginning.

Said lands situate, lying within Palm Beach County, Florida.

Together With: The West 150.00 feet (150.04 feet along property line) of the East 203.00 feet (203.06 feet along property line) of the North 732.13 feet, (732.31 feet along property line) of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of Section 2, Township 46 South, Range 42 East. Less and excepting therefrom the following: the North 40.00 feet thereof as recorded in O.R. Book 5206 at Page 0141 of the Public Records of Palm Beach County, Florida; less the East 7.00 feet thereof as recorded in O.R. Book 5206 at Page 0141 of the Public Records of Palm Beach County, Florida and less two triangular parcels of land located at N.E. corner and S.E. corner of above described land, described as follows:

Parcel 1: Commencing at the Northeast corner of said Section 2; thence along East line of Section 2, S $01^{\circ}30'17''$ E on an assumed bearing a distance of 1381.48 feet; thence S $89^{\circ}46'24''$ W, a distance of 60.01 feet to a point on the West right-of-way line of Military Trail being also the Point of Beginning of the herein described parcel; thence S $89^{\circ}46'24''$ W a distance of 25.00 feet; thence S $45^{\circ}51'56''$ E a distance of 35.76 feet; thence N $01^{\circ}30'17''$ W a distance of 25.00 feet to the Point of Beginning.

Parcel 2: Commencing at the Northeast corner of said Section 2; thence S $01^{\circ}30'17''$ E on an assumed bearing along the East line of said Section 2 a distance of 2,073.79 feet; thence S $89^{\circ}46'24''$ W a distance of 60.01 feet to the Point of Beginning; thence continue S $89^{\circ}46'24''$ W a distance of 25.00 feet; thence N $44^{\circ}08'00''$ E a distance of 34.96 feet; thence S $01^{\circ}30'17''$ E a distance of 25.00 feet to the Point of Beginning.

Said lands situate, lying and being in Palm Beach County, Florida.

EXHIBIT B

VICINITY SKETCH

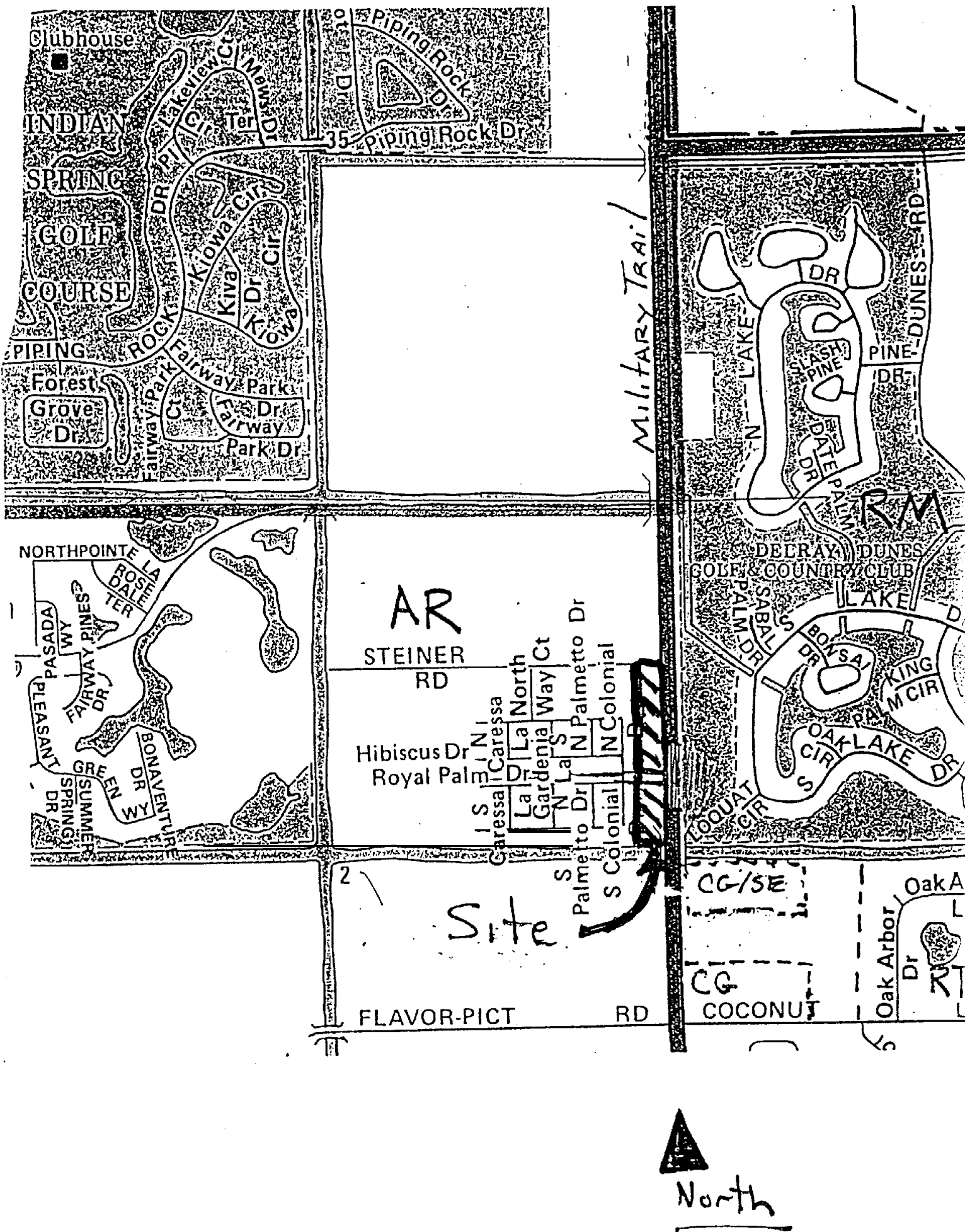


EXHIBIT C

CONDITIONAL OVERLAY CONDITIONS

A. GENERAL

1. Resolution Number R-85-319 is hereby repealed. (MONITORING)
2. To ensure that the site is developed consistent with the design represented in the application, the petitioner shall, prior to the issuance of the first building permit, receive approval for a Final Site Plan from the Development Review Committee. (BUILDING/ZONING)
3. To ensure that the site is adequately buffered from the adjacent residential use, the petitioner shall upgrade the landscape buffer on the western property line to include:
 - a) A landscape strip with a minimum width of eighteen (18) feet;
 - b) A six (6) foot high wall; setback a minimum of ten (10) feet from the property line;
 - c) Native canopy trees planted on the outside of the wall twenty five (25) feet on center;
 - d) Palm trees placed thirty (30) feet on center on the outside edge of the wall;
 - e) A hedge with a minimum height of thirty-six (36) inches placed on the inside edge of the wall; and,
 - f) One shrub with a minimum height of twenty four (24) inches for every sixty (60) square feet of this required landscape strip planted on the inside edge of the wall. (ZONING/BUILDING)
4. To ensure that the landscaping installed on site will provide adequate buffering when installed. 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. (BUILDING-Zoning)

B. USE LIMITATIONS

1. To ensure that the uses on site are consistent with the concurrency reservation the following uses shall be prohibited until the site is connected to public water and sewer: Restaurants or food preparation (Health)

2. To ensure that the uses on site are consistent with the proposal represented by the petitioner the uses on site shall be limited as follows:
 - A) North parcel shall be limited to permitted uses listed in the CC zoning district unless otherwise noted; and,
 - B) South parcel shall be limited to business and professional office. (ZONING)
3. To ensure that the two parcels are developed consistent with the Future Land Use Elements of the Comprehensive Plan the petitioner shall, prior to certification of a final site plan by the Development Review Committee, record in the public record a Unity of Control for the entire subject property in a form acceptable to the County Attorney's Office. (COUNTY ATTORNEY/PLANNING)

C. SITE DESIGN

1. To ensure consistency with the petitioner proposal no roof mounted mechanical equipment shall be permitted. All HAVC equipment shall be ground mounted and screened from view with a minimum four (4') foot solid fence or wall. (BUILDING)
2. To ensure the site is developed to be compatible with the surround uses the petitioner shall, prior to certification of a final site plan by the DRC, demonstrate compliance to section 6.6.D of the ULDC. (ZONING)

D. HEALTH

1. The application and engineering plans to construct an **onsite** wastewater disposal system must be submitted to the Health Unit prior to site plan approval by the Development Review Committee. (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing **onsite** potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)

E. ENGINEERING

1. 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 **\$145,970.00** (2,654 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).
2. Prior to DRC approval of the proposed site plan the proposed entrance onto Steiner Road shall be relocated in accordance with Palm Beach County's Parking **Lot** Standards. (ENGINEERING)

F. LANDSCAPE WITHIN MEDIAN

1. The property owner has voluntarily agreed that prior to issuance of a Building Permit, 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:

<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. (BUILDING/ENGINEERING)
- c) 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)
- d) Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to the issuance of the first building permit to reflect this obligation. Maintenance shall be in accordance with the issued permits. (BUILDING - County Attorney)

G. SIGNAGE

1. Point of purchase and/or free standing signs 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) per parcel. (BUILDING-Zoning)

H. COMPLIANCE

- 1. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.
- 2. As provided in Section 5.8 of the Unified Land Development Code (ULDC), as amended, failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on **any** building or structure; or the denial or revocation of any permit or approval for **any** developer-owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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.

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 Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (Previously Condition No. D.1 of Resolution R-91-382) (MONITORING)