

RESOLUTION NO. R-95-3

RESOLUTION APPROVING ZONING PETITION **Z94-71**
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF MARC S. ROSENFELD, TRUSTEE

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 **Z94-71** was presented to the Board of County Commissioners at a public hearing conducted on January 6, 1995; 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 **294-71**, the petition of Marc S. Rosenfeld, Trustee, for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Neighborhood Commercial (CN) & Residential Medium (RM) 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, 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, 1995, subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarthy moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 6th day of January, 1995.

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

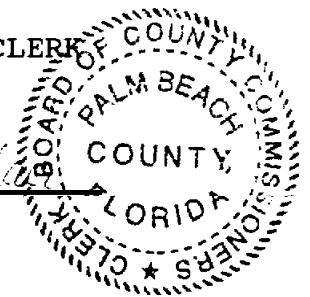


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 'A'

THE SOUTH TWO-FIFTHS (S-2/5) OF THE WEST ONE-HALF (W1/2) OF THE SOUTHWEST ONE QUARTER (SW-1/4) OF THE NORTHWEST ONE QUARTER (NW-1/4) OF THE SOUTHEAST ONE QUARTER (SE-1/4) OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THE WEST 53 FEET FOR MILITARY TRAIL (STATE ROAD 809) RIGHT-OF-WAY AND LESS THE SOUTH 64 FEET FOR MELALEUCA LANE ROAD RIGHT-OF-WAY. ALSO LESS AND EXCEPTING THE FOLLOWING DESCRIBED, TRIANGULAR SHAPED PARCEL FOR A "SAFE CORNER" AT THE SOUTHWEST CORNER OF SAID PARCEL "A", BEGINNING AT A POINT ON A LINE 53 FEET EAST OF AND PARALLEL WITH THE CENTER SECTION LINE OF SAID SECTION 25, AND 76.33 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW. 1/4) OF THE NORTHWEST QUARTER (N.W. 1/4) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SAID SECTION 25; THENCE S01° 27' 17" W, ALONG SAID LINE BEING 53 FEET EAST OF AND PARALLEL WITH THE CENTER SECTION LINE, FOR A DISTANCE OF 12.33 FEET TO A POINT; THENCE S86° 59' 43"E, ALONG A LINE 64 FEET NORTH OF AND PARALLEL WITH THE SAID SOUTH LINE OF THE S.W.1/4 OF THE N.W.1/4 OF THE S.E. 1/4 OF SAID SECTION 25, FOR A DISTANCE OF 12.33 FEET; THENCE N42° 46' 13"W, FOR A DISTANCE OF 17.67 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL 'B'

THE SOUTH ONE-THIRD (S-1/3) OF THE NORTH THREE-FIFTHS (N-3/5) OF THE WEST ONE-HALF (W1/2) OF THE SOUTHWEST ONE QUARTER (SW-1/4) OF THE NORTHWEST ONE QUARTER (NW-1/4) OF THE SOUTHEAST ONE QUARTER (SE-1/4) OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPTING THE WEST 53 FEET FOR MILITARY TRAIL (STATE ROAD 809) ROAD RIGHT-OF-WAY PURPOSES.

EXHIBIT B

VICINITY SKETCH

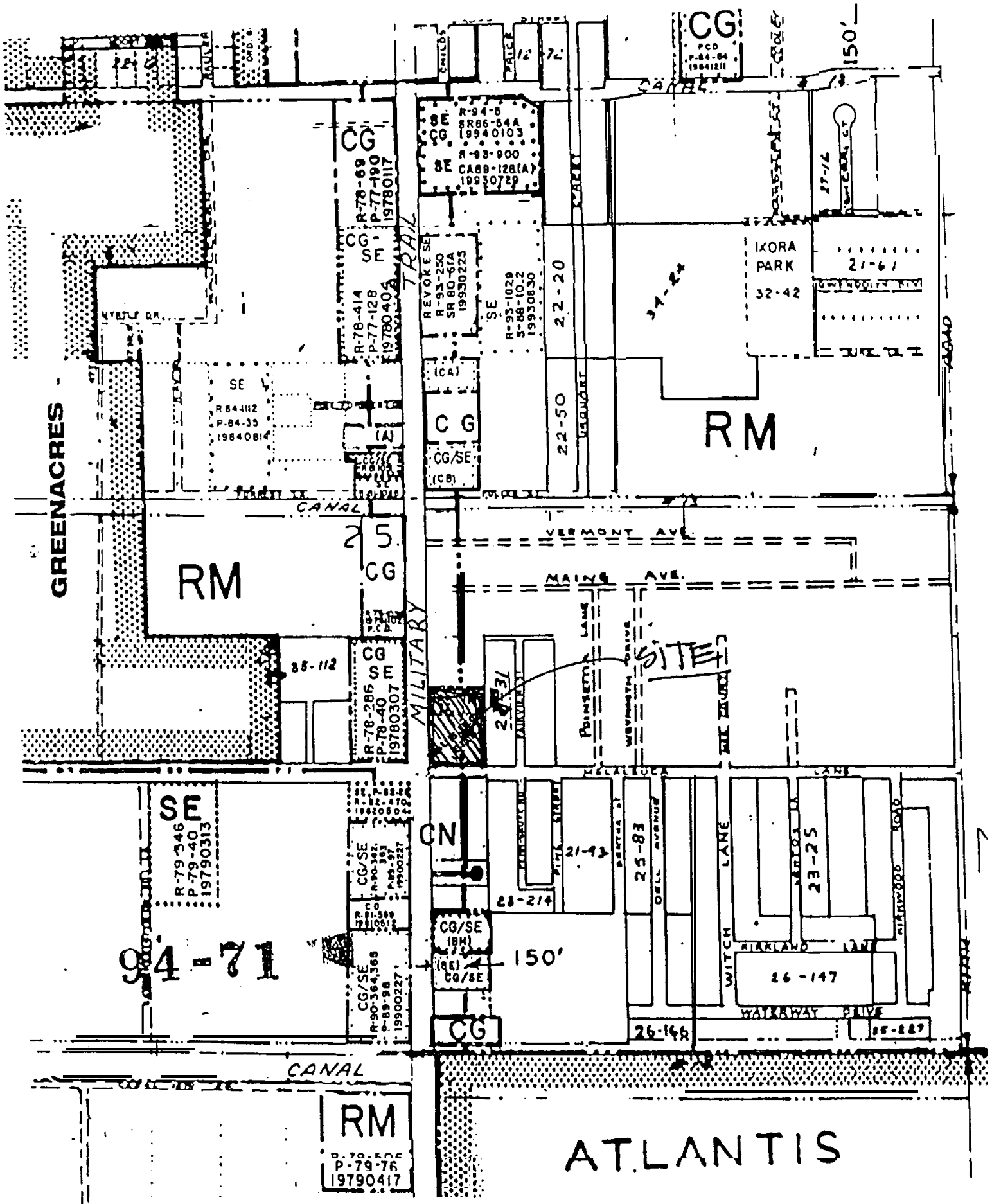


EXHIBIT C

VOLUNTARY COMMITMENTS

A. LANDSCAPING STANDARDS

1. 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. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north and east property lines, adjacent to residential, shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip.
 - b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (BUILDING-Zoning)
2. The following landscaping requirements shall be installed in the required buffer on the interior side of the existing wall located along the north property line; and, alternating on both sides of all remaining walls:
 - a. One (1) canopy tree planted every twenty (20) feet on center.
 - b. One (1) palm tree or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees or pine trees may supersede the requirement for a native canopy tree in that location.
3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (ZONING)

C. SIGNS

1. Point of purchase signs fronting on Military Trail shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - twenty-five (25) feet;
 - b. Maximum number of signs - one (1). (BUILDING)

2. Point of purchase signs fronting on Melaleuca Lane shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to the highest point - twenty (20) feet;
 - b. Maximum number of signs - one (1)
3. The combined square footage of all point of purchase signs shall not exceed two-hundred eighty square feet.

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 to be paid at the time of issuance of the Building Permit presently is **\$58,300.00** (1,060 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).