

RESOLUTION NO. R-95- 1125

RESOLUTION APPROVING ZONING PETITION 295-30
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF DITOCOCCO/GARCIA DEVELOPMENT, 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 Unified Land Development code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition 295-30 was presented to the Board of County Commissioners at a public hearing conducted on August 24, 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 Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified 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 Unified 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 Unified 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 Z95-30, the petition of Ditocco/Garcia Development, Inc. for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) Zoning District to the Residential Transitional Urban (RTU) 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 August 24, 1995, subject to the voluntary commitments 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 Lee 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	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye


The Chair thereupon declared that the resolution was duly passed and adopted this 24th day **of** August, 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

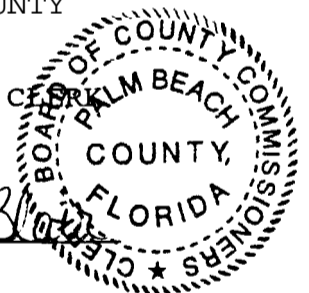


EXHIBIT A

LEGAL DESCRIPTION

1. A parcel of land lying in Section 22, Township 47 South, Range 42 East, Palm Beach County, Florida, being a portion of Tract 1, BOCA DEL MAR NO. 5, according to the Plat thereof, as recorded in Plat Book 30 at pages 127 and 128, of the Public Records of Palm Beach County, Florida, being more completely described as:

Commencing at the West quarter corner of Section 22, Township 47 South, Range 42 East, Palm Beach County, Florida; thence with a bearing of S 0°29'33" East along the West line of Section 22, a distance of 80.00 feet to the Point of Beginning; thence with a bearing of N 88°55'05" East, a distance of 39.00 feet to a point lying on the existing West right-of-way line of Powerline Road; thence with a bearing of S 0°29'33" East, along said West right-of-way line of Powerline Road, a distance of 90.39 feet to a point of curvature; thence with a curve to the right having a radius of 1843.08 feet, an arc length of 286.21 feet to a point; thence with a bearing of S 89°38'50" West, a distance of 16.82 feet to a point lying on the West line of Section 22; thence with a bearing of N 0°29'33" West, along said West line of Section 22, a distance of 375.00 feet more or less to the Point of Beginning.

(Property Control No. 00-42-47-21-02-001-0000)

2. South 330 feet of the North 455 feet of the Northeast quarter of the Southeast quarter, Section 21, Township 47 South, Range 42 East. (Property Control No. 00-42-47-21-00-000-5010)
3. A parcel of land situate, lying and being in the E 1/2 of the SE 1/4 of the NE 1/4 of Section 21, Township 47 South, Range 42 East, Palm Beach County, Florida, more fully described as follows:

Commencing at the E 1/4 corner of said Section 21; thence on an assumed bearing of due North along the East line of said Section 21, a distance of 75.00' to a point on the North right-of-way line of Lake Worth Drainage District Lateral No. 47, this point also being the POINT OF BEGINNING; thence continue due North a distance of 428.15 feet; thence South 89°21'14" West, a distance of 666.74 feet to a point on the West line of said East 1/2 of the SE 1/4 of the NE 1/4; thence South 0°07'58" East along said West line, a distance of 427.24 feet to a point on the aforesaid North right-of-way line of Lake Worth Drainage District Lateral No. 47; thence North 89°25'58" East along said North right-of-way line, a distance of 665.75 feet to the POINT OF BEGINNING.

4. A parcel of land situate, lying, and being in the West One-half (W½) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 21, Township 47 South, Range 42 East, Palm Beach County, Florida, more fully described as follows:

Commencing at the East quarter section corner of said Section 21; thence on an assumed bearing of due North along the East line of said Section 21; a distance of 503.15 feet; thence South 89°21'14" West, parallel with the North line of the said Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 21, a distance of 666.74 feet to a point in the East line of the said West One-Half (W½) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 21, said point being the Point of Beginning; thence continue South 89°21'14" West, along the same course, a distance of 333.32 feet to an intersection with a line 1000.00 feet West of as measured at right angles, and parallel with the said East line of Section 21; thence due South, along said parallel line, a distance of 426.77 feet to an intersection with a line 75.0 feet North of as measured at right angles, and parallel with the East-West Quarter section line of said Section 21, said parallel line being the North right of way line of Lake Worth Drainage District Lateral Canal No. 47, as described in Official Record Book 1965 on page 427 of the Public Records of Palm Beach County, Florida; thence North 89°25'58" East, along said parallel line and along said North right of way line, a distance of 334.30 feet to an intersection with the said East line of the West One-Half (W½) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 21; thence North 0°07'58" West, along said East line, a distance of 427.24 feet to the Point of Beginning.

(Property Control No. 00 42 47 21 00 000 1040 (3 and 4))

EXHIBIT B
VICINITY SKETCH

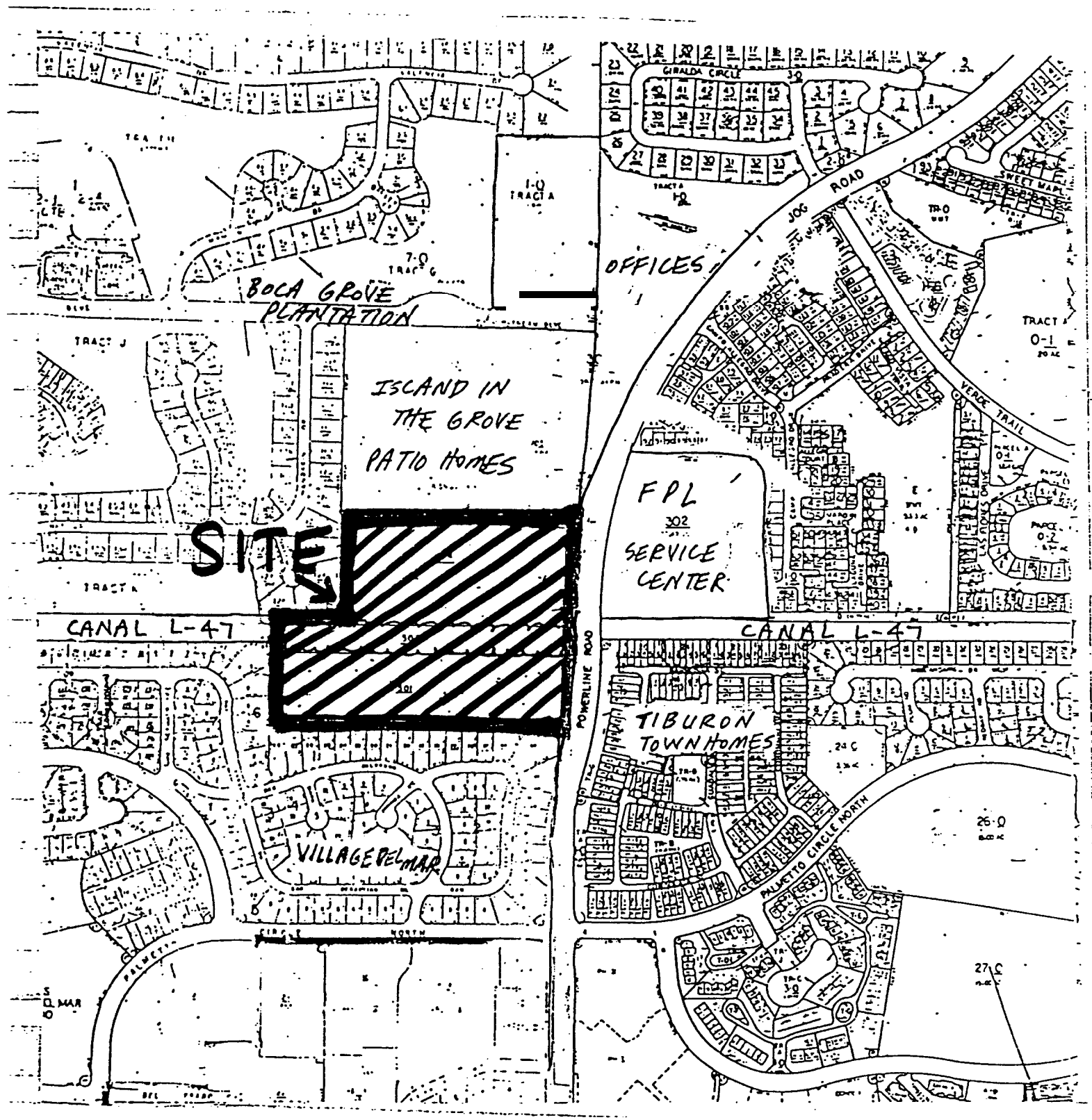


EXHIBIT C

VOLUNTARY COMMITMENTS

A. BUILDING HEIGHT

1. All homes are limited to a maximum two (2) story building height. (BUILDING-Zoning)

E. ENGINEERING

1. The Property owner shall construct a left turn lane, south approach on Powerline Road at the project's entrance road. This construction shall be concurrent with the drainage improvements with the first plat. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING-Eng)
2. The Developer 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, Zoning Petition 95-30, to be paid at the time of issuance of the Building Permit presently is \$1,650.00 per approved single family dwelling unit (10 trips X \$165.00 per trip). (IMPACT FEE COORDINATOR)
3. In order to comply with the mandatory Traffic Performance Standards, no Building Permits for the site shall be issued after January 1, 1997. The date shown indicating when the final building permit can be issued may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (BUILDING/MONITORING - Engineering)
4. LANDSCAPE WITHIN MEDIAN
 - a. Prior to technical compliance by the Land Development Division, 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, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. Landscape Design is to be consistent with the existing Powerline Road median plantings to the north. (ENGINEERING)

