

RESOLUTION NO. R-95-1473

RESOLUTION APPROVING ZONING PETITION CA95-68
CLASS A CONDITIONAL USE
PETITION OF PALM BEACH COUNTY FACILITIES DEVELOPMENT AND
OPERATIONS
BY JAMES BARNES, AGENT

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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA95-68 was presented to the Board of County Commissioners at a public hearing conducted on October 26, 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 CA95-68, the petition of Palm Beach County Facilities Development and Operations, by James Barnes, Agent, for a Class A Conditional Use (CA) to allow Government Services in the Agricultural Residential (AR) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 26, 1995, subject to the conditions of approval 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 McCarty and, upon being put to a vote, the vote was as follows:

Ken Foster	--	Aye
Burt Aaronson	--	Absent
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 26th day of October, 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

TOURIST DEVELOPMENT CENTER

Tourist Dev. Center

A PARCEL OF LAND IN SECTIONS 4 & 5, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 5 (BEING THE QUARTER CORNER COMMON TO SECTIONS 4 & 5); THENCE N 2° 46' 29" E, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 706 (INDIANTOWN ROAD) AS SHOWN ON THE RIGHT-OF-WAY MAP FOR SAID STATE ROAD 706, PALM BEACH COUNTY PROJECT NO. 88534, SHEET 7 OF 7 AND IN OFFICIAL RECORD BOOK 8319 AT PAGE 1443 OF THE PALM BEACH COUNTY PUBLIC RECORDS (HEREINAFTER REFERRED TO AS P.B.C.P.R.) AND THE POINT OF BEGINNING, 82.97 FEET; THENCE S 88° 51' 37" E, ALONG SAID SOUTH RIGHT-OF-WAY LINE 184.72 FEET TO A POINT ON A NON-TANGENT CURVE HAVING A RADIUS OF 80.0 FEET, WHOSE RADIUS AT THIS POINT BEARS N 66° 50' 09" W, THENCE SOUTHWESTERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 57° 58' 32", A DISTANCE OF 80.95 FEET TO A POINT OF REVERSE CURVATURE AND A CURVE TO THE LEFT HAVING A RADIUS OF 140.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 45° 00' 00", A DISTANCE OF 109.96 FEET TO A POINT OF TANGENCY; THENCE S 36° 08' 23" W, ALONG THE TANGENT 126.14 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 180.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 35° 06' 03", A DISTANCE OF 110.27 FEET TO A POINT OF TANGENCY; THENCE S 1° 02' 20" W, ALONG THE TANGENT, 104.73 FEET; THENCE N 87° 13' 31" W, A DISTANCE OF 157.59 FEET; THENCE N 2° 46' 29" E, AT RIGHT ANGLES TO THE PREVIOUS COURSE AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5 TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 706, A DISTANCE OF 43.65 FEET; THENCE S 88° 51' 37" E, ALONG SAID SOUTH RIGHT-OF-WAY TO THE POINT OF BEGINNING, A DISTANCE OF 216.36 FEET.

SAID PARCEL CONTAINS 2.08 ACRES.

EXHIBIT B
VICINITY SKETCH

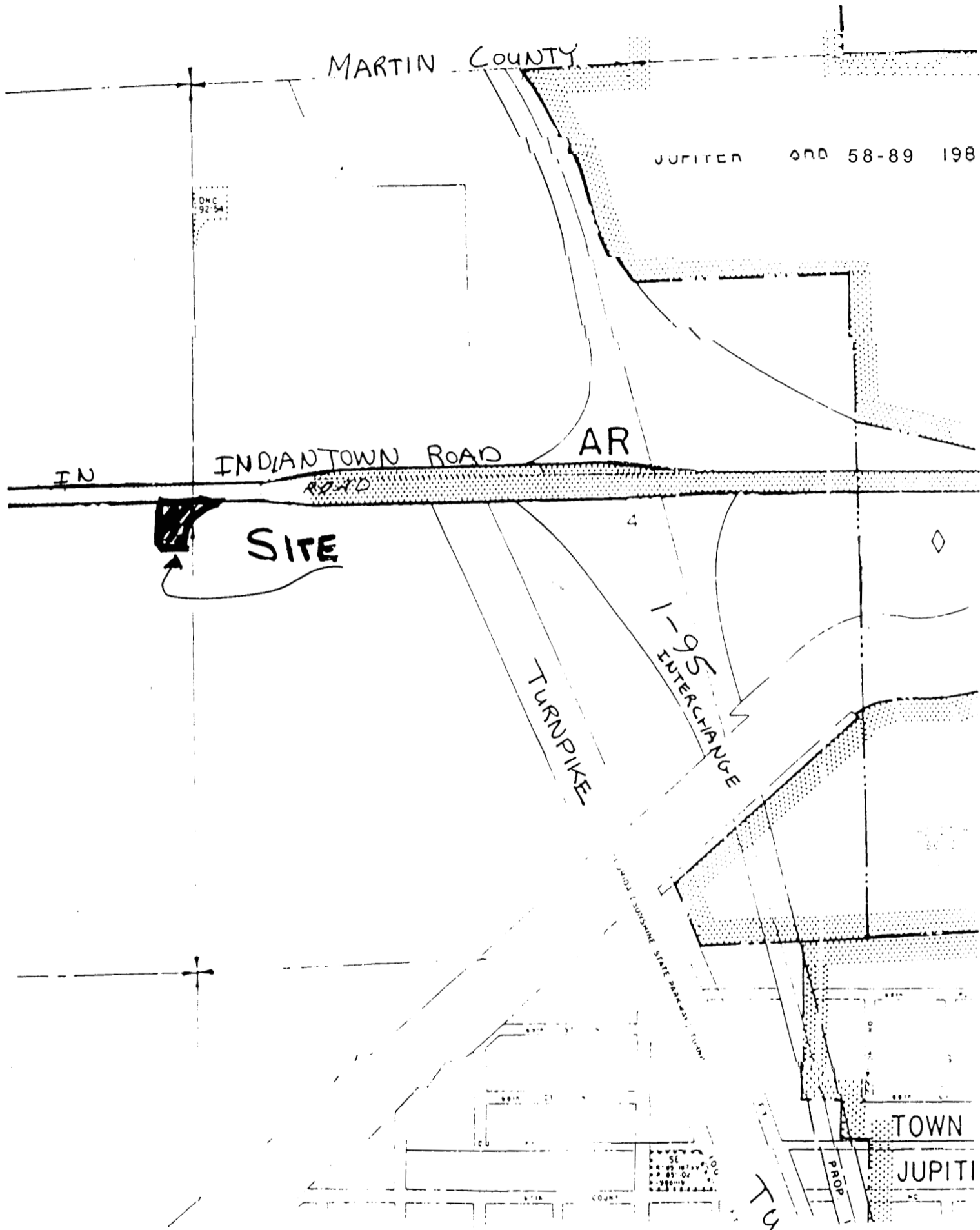


EXHIBIT C

CONDITIONS OF APPROVAL

A. HEALTH

1. Prior to final site plan certification application and engineering plans to construct an onsite sewage treatment disposal system (OSTDS), in accordance with Chapter 10D-6 F.A.C. and Palm Beach County ECR-I must be submitted to the Palm Beach County Public Health Unit. (HEALTH)
2. Prior to final site plan certification application and engineering plans to construct a noncommunity water supply system in accordance with Chapter 62-555 F.A.C. and Palm Beach County ECR-II must be submitted to the Palm Beach County Public Health Unit. (HEALTH)

B. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT-Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (BUILDING-Zoning)

C. SIGNS

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

D. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC 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; and/or
 - d. Referral to code enforcement; and/or

e. Imposition of entitlement density or intensity

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 an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)