

RESOLUTION NO. R-96-861

RESOLUTION APPROVING ZCNING PETITION Z96-06
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF PBC HOLDINGS INC.
BY ALAN J. CIKLIN, AGENT
MILITARY TRAIL COMMERCIAL

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 296-06 was presented to the Board of County Commissioners at a public hearing conducted on May 23, 1996; 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 Z96-06, the petition of PBC HOLDINGS INC. for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) 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 May 23, 1996, subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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:

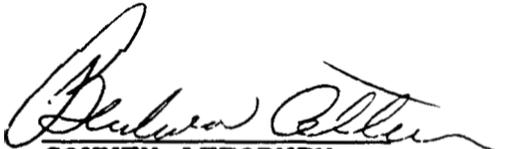
Ken Foster, Chair	--	Aye
Burt Aaronson	--	Absent
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on June 24, 1996.

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

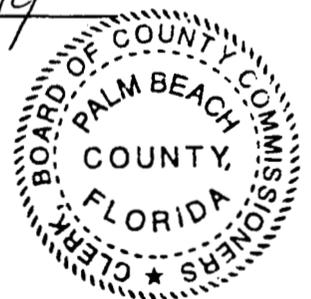


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE NORTHEAST 1/4 (NE 1/4) OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS : COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 35, THENCE, SOUTH 89° 17' 49" WEST, ALONG THE NORTH LINE OF SAID SECTION 35, A DISTANCE OF 433.00 FEET TO THE NORTHEAST CORNER OF THE PLAT OF INDIAN SPRING PLAT NO. 1, AS RECORDED IN PLAT BOOK 31, AT PAGES 43 THROUGH 47, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00° 15' 41" WEST, ALONG THE EAST LINE OF SAID PLAT, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING; THENCE, NORTH 89° 17' 49" EAST, DEPARTING FROM THE EAST LINE OF SAID PLAT, A DISTANCE OF 383.01 FEET TO THE WEST RIGHT OF WAY LINE OF MILITARY TRAIL; THENCE, SOUTH 00° 15' 41" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 123.56 FEET TO THE NORTH RIGHT OF WAY LINE OF S.W. 15TH AVENUE AS SHOWN ON SAID PLAT; THENCE, SOUTH 89° 17' 49" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 10.00 FEET; THENCE, CONTINUE SOUTH 44° 31' 04" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 35.22 FEET; THENCE, CONTINUE SOUTH 89° 17' 49" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 348.19 FEET TO A POINT ON THE EAST LINE OF SAID PLAT (ALSO BEING THE SOUTHEAST CORNER OF TRACT S-1 OF SAID PLAT); THENCE NORTH 00° 15' 41" WEST, ALONG THE EAST LINE OF SAID PLAT, A DISTANCE OF 148.38 FEET TO THE POINT OF BEGINNING (P.O.B.) LESS AND EXCEPTING THEREFROM THE 10.00 FOOT WIDE ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL, RECORDED IN OFFICIAL RECORD BOOK 2439, PAGE 983, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. ALSO LESS, THE RIGHT-OF-WAY FOR MILITARY TRAIL AS RECORDED IN OFFICIAL RECORD BOOK 7063, PAGE 1835, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

AND :

THE SOUTH 55.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY, EXCEPTING THEREFROM THE WEST 49.00 FEET OF THE EAST 137.72 FEET OF THE NORTH 15.00 FEET.

COMMENCING AT THE POINT OF INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD 809) AND THE NORTH LINE OF SAID SECTION 35; THENCE WEST ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 35, A DISTANCE OF 400.00 FEET TO A POINT; THENCE SOUTH PARALLEL TO THE WEST BOUNDARY OF SAID MILITARY TRAIL 400.00 FEET TO A POINT; THENCE EAST PARALLEL TO THE NORTH BOUNDARY LINE OF SAID SECTION 35, A DISTANCE OF 400.00 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID MILITARY TRAIL; THENCE NORTH ALONG SAID WEST BOUNDARY LINE OF SAID MILITARY TRAIL, A DISTANCE OF 400.00 FEET TO THE PLACE OF BEGINNING.

CONTAINING IN ALL 1.62 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

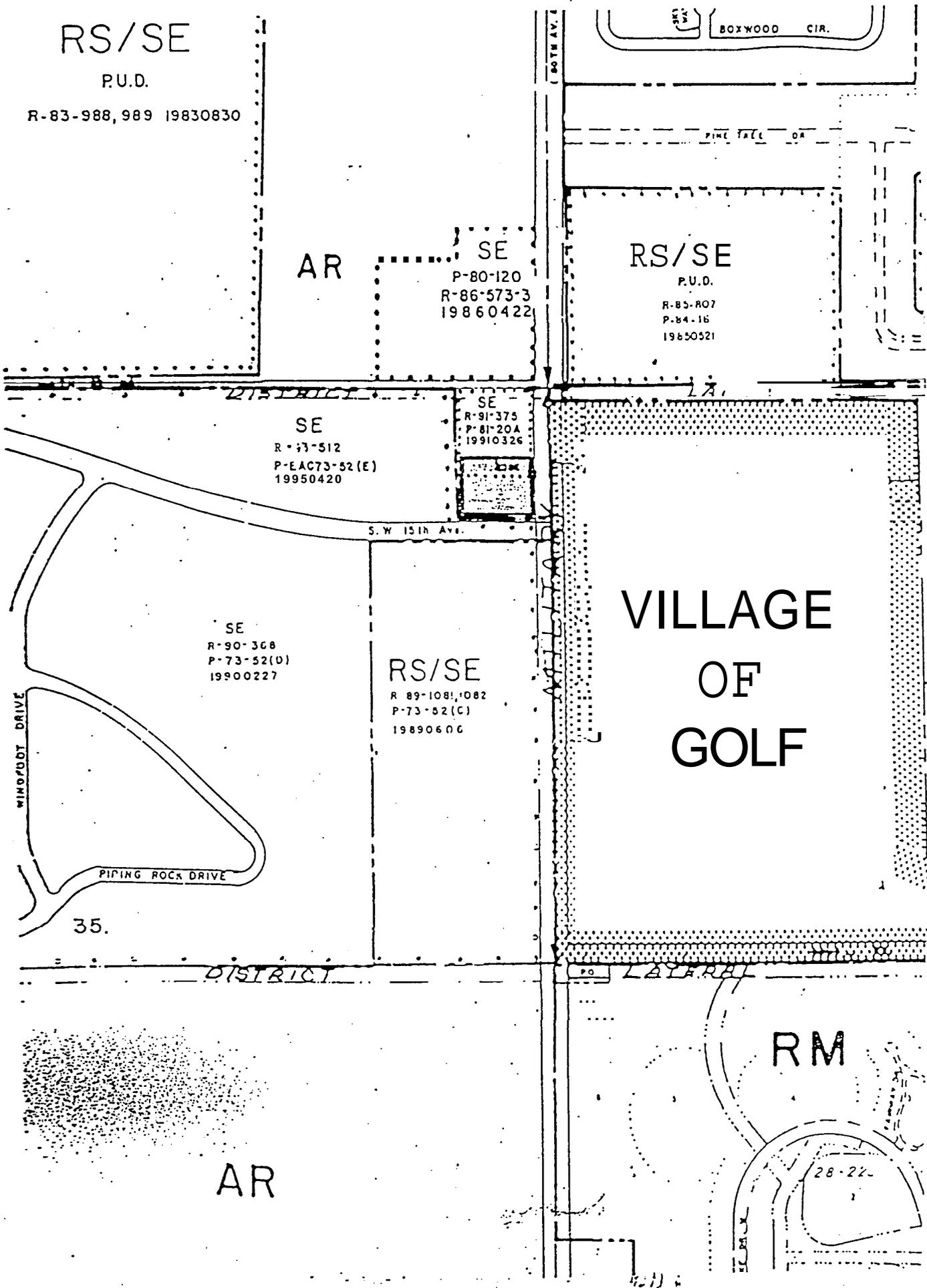


EXHIBIT C

VOLUNTARY COMMITMENTS

A. LANDSCAPING ALONG EAST AND SOUTH PROPERTY LINE (ABUTTING MILITARY TRAIL AND WOOLBRIGHT ROAD)

1. Landscaping and buffering along the east and south property lines shall be upgraded to include the following landscape material in addition to the ULDC landscape requirements:
 - a. One (1) palm tree or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet on center. A group of three or more palm and/or pine trees may supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)

B. SIGNS

1. Freestanding point of purchase signs at the northwest corner of Military Trail and Woolbright Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - twenty (20) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - pylon or monument. (CO: BLDG)

C. UNITY

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of control for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: CO ATT - Zoning)

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)

E. ENGINEERING

- 1. Prior to June 15, 1997 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

- a) Military Trail seventy-six feet from centerline
- b) Woolbright Road 64 feet from centerline

All right of way conveyances shall be in accordance with Palm Beach County typical expanded intersection requirement, free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE / BLDG PERMIT: MONITORING / ENG)

2. LANDSCAPE WITHIN MEDIUM

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all the adjacent median of Woolbright Road right-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 landscape material, installation, and maintenance requirements shall be subject to the standards 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. Credit for the existing landscaping by others shall be considered at the time of the issuance of the building permits. (BLDG PERMIT: ENG)
- B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property

Owner's Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a certificate of Occupancy. (CO: BLDG - Eng)

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng)