

RESOLUTION NO. R-90-544

RESOLUTION APPROVING ZONING PETITION NO. 89-100  
REZONING PETITION OF THE BOARD OF COUNTY COMMISSIONERS  
SUBJECT TO VOLUNTARY COMMITMENTS

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, Petition No. 89-100 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 1, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-100, the petition of THE BOARD OF COUNTY COMMISSIONERS, by Carol Elmquist, Chair, for a REZONING FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT, IN PART, AND RM-MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT (MEDIUM DENSITY), IN PART, TO PUBLIC OWNERSHIP ZONING DISTRICT on a parcel of land lying:

Parcel 1

The West 5 acres of Tract 1, Block 6, Plat NO.3 of Palm Beach Farms Company, according to the Plat thereof on file in the office of the clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54. Subject to easements and Rights-of-way of Record.

Parcel 2

A parcel of land, measuring 200.00 feet by 200.00 feet, located in the Northeast corner of the following described property: The West 5 acres of Tract 12, Block 6 (Less the Florida State Turnpike Authority Right-of-way as in deed Book 1116, Page 292, containing 1.27 acres, more or less), According to Palm Beach Farms Company, Plat No.3, Recorded in the Office of the Clerk of the Circuit Court, in and for Palm

Beach County, Florida, in Plat Book 2, Page 45, Et. Seq. Subject to easements and Rights-of-way of Record. Together with:

Parcel 3

The West 1/2 of the East 2/3 of Tract 1 (Less the Florida State Turnpike Authority Right-of-way as in deed Book 1117, Page 237) in Block 6, Plat No. 3 of Palm Beach Farms, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, pages 45 to 54 inclusive. Subject to easements and Rights-of-way of Record. Together with:

Parcel 4

The West 5 acres of Tract 12, Block 6, (Less the Florida State Turnpike Authority Right-of-way as in deed Book 1116, Page 292, containing 1.27 acres more or less; and less that parcel as described in a certain warranty deed recorded in Official Record Book 1940, Page 1418), according to palm Beach Farms Company, Plat No. 3 recorded in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida in Plat Book 2, Pages 45, Et. Seq. and the West 1/2 of the East 2/3 of Tract 12, Block 6, (Less the Florida State Turnpike Authority Right-of-way as in deed Book 1117, page 237) according to Palm Beach Farms Co., Plat N0.3, recorded in the office of the clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54. Subject to easements and Rights-of-Way of Record.

Also Known As:

A parcel of land lying in Block 6, Plat No. 3 of Palm Beach Farms Section 27, Township 43 South, Range 42 East, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54, inclusive. More particularly described as follows: Commence at the centerline of Pike Road (AS now laid out and in use) with the centerline of a 30.00 foot platted Right-of-way adjacent to the Southwest corner of Tract 16, Block 3, during this survey a brass disk set by Palm Beach County survey division was in existence; thence North 88 Degrees 59' 58" East along the South line of Block 3 a distance of 1665.36 feet, more or less, intersecting the prolongation of the West Boundary line of Tract 1, Block 6, thence South 01 Degrees 00' 54" East a distance of 50.00 feet to the Northwest corner of said Tract 1, Block 6, thence continue South 01 Degrees 00' 54" East along the West line of said Tract 1, Block 6; a distance of 50.00 feet; more or less, to the required Right-of-way of Lake Worth drainage district lateral number L-3 said point being the point of beginning of the herein described parcel; thence continue South 01 Degree 00' 54" East along the West Boundary line of Tracts 1 and 12 a distance of 1268.55 feet, more or less, to the Southeast corner of Tract 12 being on the North line of a 30.00 foot platted Right-of-way; thence North 88 Degrees 59' 58" East along the South line of said Tract 12 a distance of 26.81 feet, more or less, intersecting the Northwesterly Right-of-way of "Florida Turnpike" as now laid out and in use. Said Right-of-way line being on a curve concave Southeasterly having a radius of 11,684.16 feet, a central angle of 02" 36' 07", thence Northeasterly along the arc of said curve a distance of 530.60 feet to the point of tangency of said curve, thence North 40" 04' 36" East a distance of 446.37 feet, more or less, intersecting the East line of the West 1/2 of the East 2/3 of Tract 1, Block 6; thence North 01 Degrees 00' 54" West along said East line a distance of 524.50 feet, more or less, intersecting the

Southerly required Right-of-way of Lake Worth drainage district L-3; thence North 88 Degrees 59' 58" West a distance of 660.14 feet, more or less, to the Point of Beginning. Contains 13.69 acres, more or less, subject to Rights-of-way and easements of record, being located on the south side of Belvedere road, approximately 750 feet west of Florida's Turnpike (Sunshine State Parkway), and approximately .3 mile east of Pike Road, was approved on September 1, 1989, as advertised subject to the following voluntary commitments:

1. All kennels shall maintain a 300 feet front street setback.
2. An upgraded landscape buffer shall be established along the north property line consisting of a 48 inch high berm hedge, combination and native canopy trees planted an average of 20 feet on center. Prior to Building Permit application, the petitioner shall submit a landscape plan, meeting or exceeding minimum Landscape Codes, to be approved by the Zoning Division.
3. There is a potential for hazardous materials to be stored on site, an Affidavit of Notification must be executed prior to Site Plan Certification.
4. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, **Land Development** Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
5. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
6. Prior to December 1, 1989 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 Belvedere Road, 60 feet from centerline 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

7. The Property owner shall construct a left turn lsne, east approach on Belvedere Road at the project's entrance road concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
8. The Developer shall install signalization if warranted as determined by the County Engineer at the project's entrance Road and Belvedere Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
9. No off premise signs shall be permitted on site.

Commissioner Phillips moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	Aye
Karen T. Marcus	--	Absent
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of March, 1990.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

