

RESOLUTION NO. R-2002-0609

RESOLUTION APPROVING ZONING PETITION Z2001-054
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF RUBEN & MARTHA ESPINOZA AND SOFIA GOMEZ
BY HELEN LAVALLEY, AGENT
(ESPINOZA REZONING)

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 public hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition 22001-054 was presented to the Board of County Commissioners at a public hearing conducted on April 25, 2002; 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 Standards) of the Palm Beach County Unified Land Development Code; 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 Z2001-054, the petition of Ruben & Martha Espinoza and Sofia Gomez, by Helen LaValley, agent, for an Official Zoning Map Amendment rezoning from the Residential Medium Density Zoning District to the Light Industrial 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 April 25, 2002, subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie I. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 25, 2002.

Filed with the Clerk of the Board of County Commissioners on 29 day of May, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

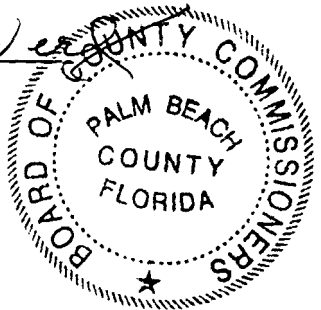


EXHIBIT A
LEGAL DESCRIPTION

Lot 33, Okeechobee Garden Estates, according to the Plat thereof, on file in the Office of the Clerk of Circuit Court, in and for Palm Beach County, FL recorded in Plat Book 23, Page 181.

EXHIBIT B
VICINITY SKETCH

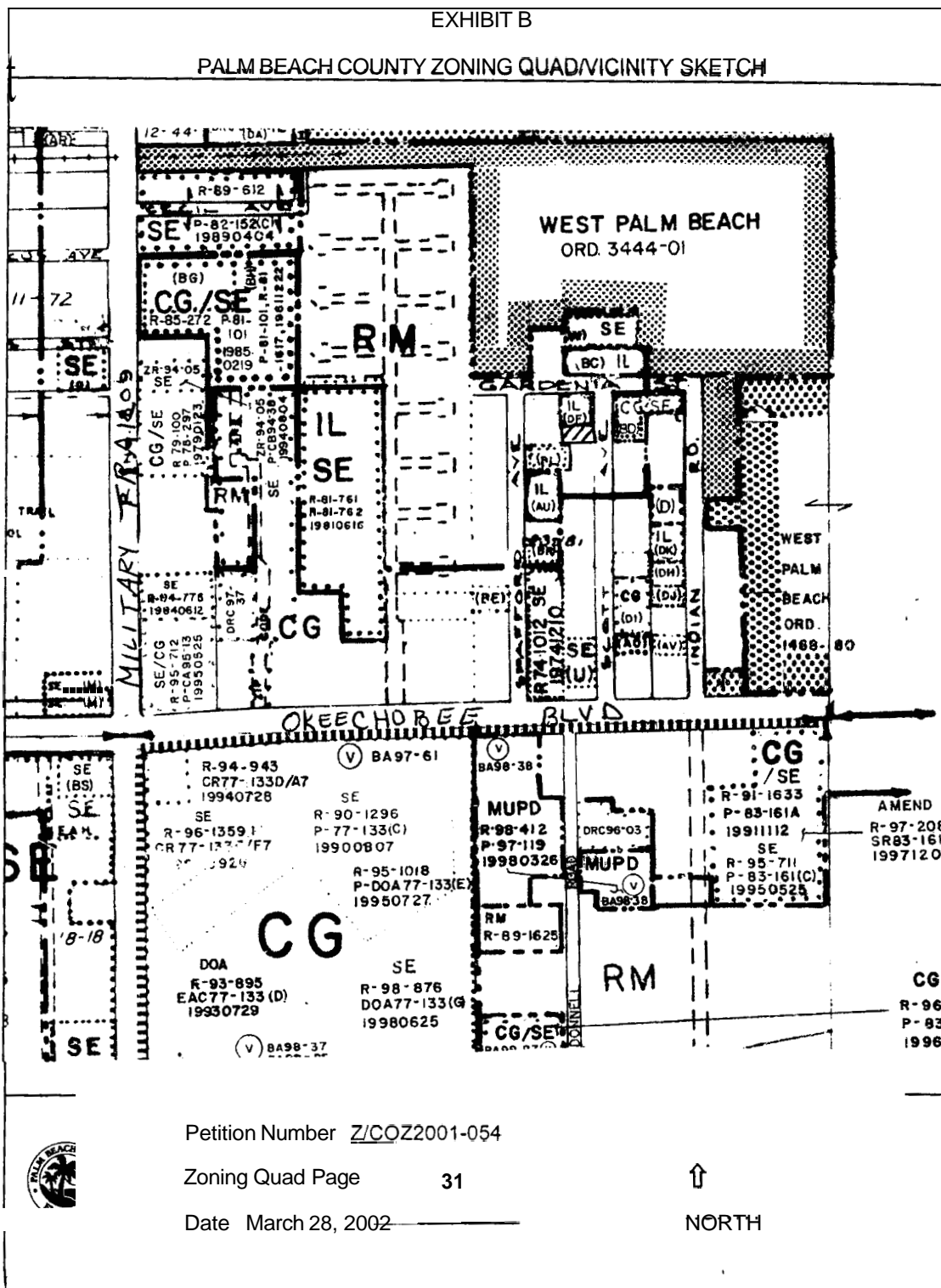


EXHIBIT C

VOLUNTARY COMMITMENTS

A. ALL PETITIONS

1. Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved site plan is dated January 24, 2002. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING/BLDG PERMIT: ZONING/BLDG – Zoning)

B. LANDSCAPE – STANDARD

1. All trees to be planted in the right-of-way buffer shall be native canopy trees and meet the following minimum standards:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. Canopy diameter: seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE – Zoning)
3. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern, with exception to five (5) foot wide buffers. (CO: LANDSCAPE – Zoning)
4. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning)

C. LANDSCAPING ALONG EAST PROPERTY LINE (SCOTT AVENUE FRONTAGE)

1. Landscaping along the east property line abutting Scott Avenue shall be upgraded as follows:
 - a. A minimum fifteen (15) foot wide right-of-way buffer strip. No easement encroachment shall be permitted;
 - b. One (1) native canopy tree for each thirty (30) linear feet of property line;
 - c. One (1) palm or pine for each thirty (30) linear feet of property line;
 - d. One (1) small shrub for each four (4) linear feet of property line, to be planted at a minimum height of eighteen (18) inches;
 - e. One (1) medium shrub for each two (2) linear feet of property line, spaced twenty-four (24) inches on center, to be planted at a minimum height of twenty-four (24) inches;
 - f. One (1) large shrub for each eight (8) linear feet of property line, to be installed at a minimum height of thirty (30) inches; and

- g. All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:
 - i. eighteen (18) to twenty-four (24) inches – small shrub;
 - ii. thirty-six (36) inches – medium shrub; and
 - iii. forty-eight (48) to seventy-two (72) inches – large shrub. (CO: LANDSCAPE – Zoning)

D. LANDSCAPING ALONG ALL PROPERTY LINES (ABUTTING RESIDENTIAL)

- 1. Landscaping along the all property lines abutting residential uses shall be upgraded as follows, unless variance relief is obtained from the Board of Adjustment:
 - a. A minimum fifteen (15) foot wide incompatibility buffer strip. No easement encroachment shall be permitted;
 - b. One (1) native canopy tree for each twenty (20) linear feet of property line;
 - c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
 - d. One (1) medium shrub for each four (4) linear feet of property line, to be planted at a minimum height of twenty-four (24) inches;
 - e. One (1) large shrub for each two (2) linear feet of property line, planted twenty-four (24) inches on center, to be installed at a minimum height of thirty (30) inches; and
 - f. All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of two (2) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:
 - i. twenty-four (24) to thirty-six (36) inches – medium shrub; and
 - ii. seventy-two (72) inches – large shrub. (CO: LANDSCAPE – Zoning)

E. ENGINEERING

No Engineering Comments.

F. SIGNAGE

- 1. Freestanding point of purchase signs shall be limited as follows:
 - a. Maximum height measured from finished grade to highest point: six (6) feet;
 - b. Maximum total sign face area: sixty (60) square feet;
 - c. Maximum number of signs: one (1);
 - d. Location: Scott Avenue frontage;
 - e. Style: Monument; and
 - f. Signs shall be limited to identification of tenants only. (CO: BLDG – Zoning)

G. COMPLIANCE

- 1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Voluntary Commitments 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; revocation of any concurrency; 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.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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. (ONGOING: MONITORING – Zoning)