

RESOLUTION NO. R-93- 1368

RESOLUTION APPROVING ZONING PETITION EAC77-46(A)
REQUESTED (R) USE
PETITION OF BAYBERRY INVESTMENTS, 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 Board of County Commissioners, pursuant to Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to approve, approve with conditions or deny Requested Uses within a Planned Development District; and

WHEREAS, the notice and hearing requirements, as provided for in Article 6, Section 6.8, of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition EAC77-46(A) was presented to the Board of County Commissioners at a public hearing conducted on October 28, 1993; 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 Land Development Code 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 Requested Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Requested Use is consistent with the requirements of the Palm Beach County Land Development Code.
3. This Requested Use is consistent with all requirements of Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Land Development Code, Ordinance 92-20.
4. This Requested Use is consistent with all other applicable local land development regulations.

WHEREAS, Article 6, Section 6.8, of the Palm Beach County 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 EAC77-46(A), the petition of BAYBERRY INVESTMENTS, INC., for a REQUESTED USE allowing a veterinary clinic in the Residential Single Family (RS)/SE 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 28, 1993, subject to the conditions of approval 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 Lee and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of October, 1993.

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

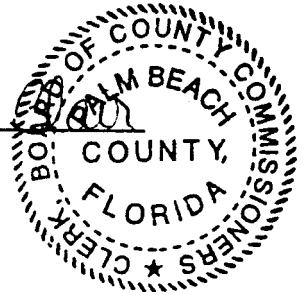


EXHIBIT A
LEGAL DESCRIPTION

THE NORTHEAST QUARTER (NE 1/4). LESS THE EASTERLY 50.0 FEET THEREOF. SUBJECT TO A DRAINAGE AND RIGHT OF WAY EASEMENT OVER THE NORTH 35.0 FEET OF THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) AND THE SOUTH 50.0 FEET OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4).

ALSO

THE NORTH HALF (N 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4). LESS THE EAST HALF OF THE SOUTH 181.0 FEET; THE EAST 692.0 FEET OF THE NORTH 314.0 FEET OF THE SOUTH 495.0 FEET, AND THE EAST 50.0 FEET THEREOF.

ALSO

THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4).

ALSO

THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4).

ALSO

THE NORTH HALF OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4).

ALL IN SECTION 14, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA,

EXHIBIT B
(location sketch)

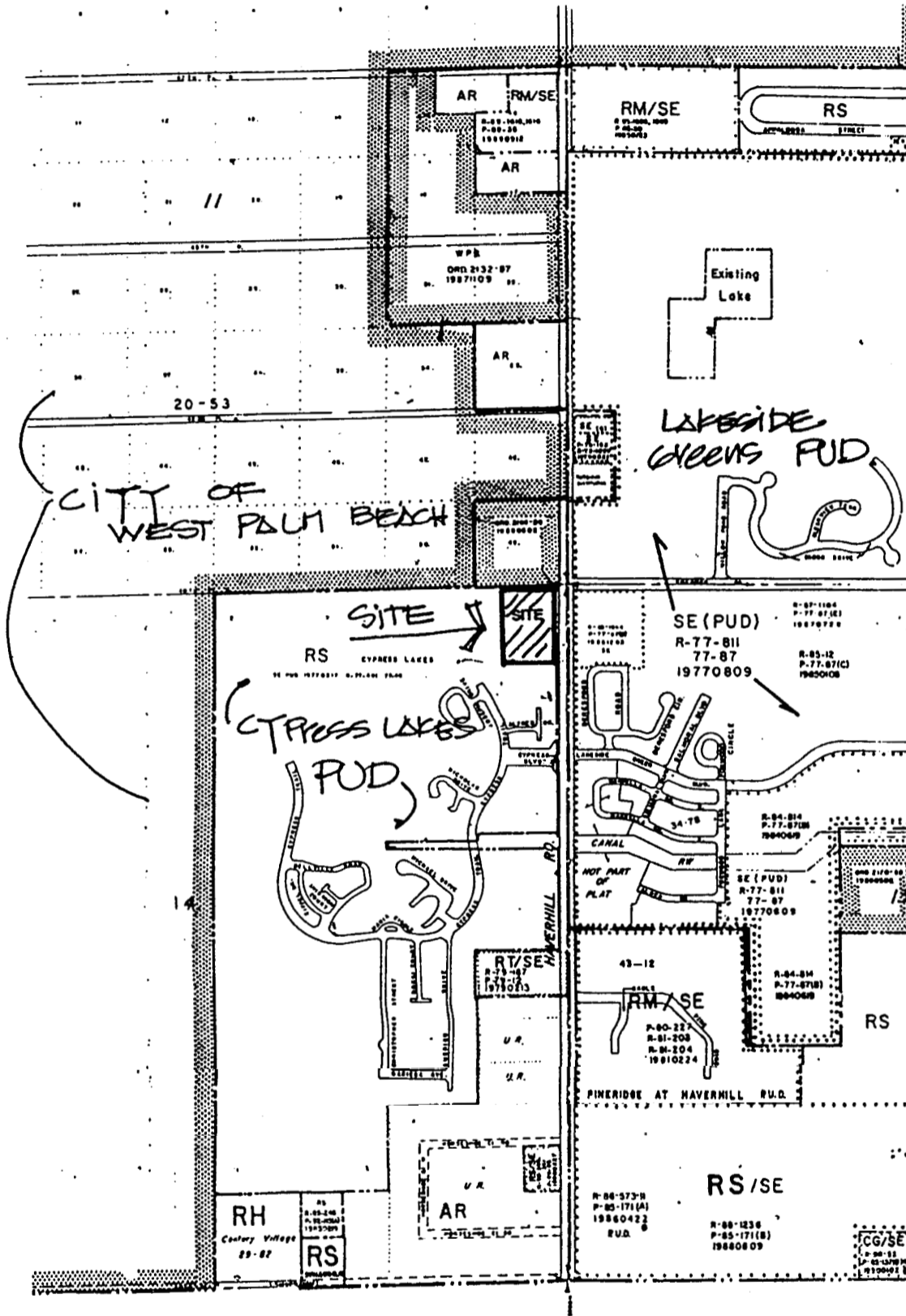


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in ~~HOLD~~ and will be carried forward with this petition unless expressly modified herein.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines, unless expressly modified. (MONITORING)

B. SITE DESIGN AND USE LIMITATIONS

1. TO ensure consistency with the application the **veterinary clinic** shall be limited to indoor operation, and no outdoor activities, pens, cages, or runs shall be permitted On site. (ZONING/BUILDING-Code Enforcement)

C. ERM

1. A Wellfield Affidavit of Notification shall be submitted to the Department of Environmental Resources Management prior to DRC Final Plan certification. (ERM)

E. ENGINEERING

1. Developer shall plat the proposed lake and residential area on a one acre to one acre basis, up to a maximum of thirty (30) acres for residential. No additional residential units shall be platted until legal positive outfall is provided. (Previously condition 1 of Petition 77-46, Resolution Number 77-481).
2. Developer shall provide signalization at the main entrance on Haverhill Road, When warranted, as determined by the County Engineer. (Previously condition 2 of Petition 77-46, Resolution Number 77-481).
3. Developer shall provide a left turn lane at the projects main entrance, north approach Haverhill Road; a left turn lane at the main entrance, south approach Haverhill Road; and a four (4) lane entrance road. (Previously condition 3 of Petition 77-46, Resolution Number 77-481).
4. Developer shall provide a left turn lane at the Haverhill Road north entrance, south approach; and a three (3) lane north entrance road (two (2) exit lanes, one (1) entrance lane). (Previously condition 4 of Petition 77-46, Resolution Number 77-481).
5. Developer shall dedicate to Palm Beach County, fifty-four (54) feet from the centerline for the ultimate right of way for Haverhill Road. (Previously condition 5 of Petition 77-46, Resolution Number 77-481).
6. Developer shall dedicate to Palm Beach County forty (40) feet for right-of-way for Roebuck Road. (Previously condition 6 of Petition 77-46, Resolution Number 77-481).
7. Developer shall deed to the Bchool Board of Palm Beach County , an acceptable twenty (20) acre school site prior to the issuance of any residential building permits for this project. ,(Previously condition 7 of Petition 77-46, Resolution Number 77-48.1).

to the issuance of any residential building permits for this project. (Previously condition 7 of Petition 77-46, Resolution Number 77-481).

8. Previous condition 8 of Petition 77-46, Resolution Number 77-481 which stated:

"Limited to the Commercial site, a fifty (50) foot landscape buffer zone, containing no paving, shall be provided within the one hundred (100) foot setback. Furthermore, a "no access" easement shall be dedicated to Palm Beach County along Haverhill Road within the buffer zone with the intent to exclude motor vehicular access to Haverhill and provided further no sign shall be placed within this area."

Is hereby amended to state:

Limited to the Commercial site, a fifty (50) foot landscape buffer zone, containing no paving, shall be provided within the one hundred (100) foot setback. Furthermore, a "no access" easement shall be dedicated to Palm Beach County along Haverhill Road within the buffer zone with the intent to exclude motor vehicular access to Haverhill Road. Signage within this easement this area is prohibited.

9. Developer must apply for a surface water management permit for the proposed development, prior to construction. (Previously condition 9 of Petition 77-46, Resolution Number 77-481).

R93 1368

Mary McCarty, Chair
Ken Poster, Vice Chair
Karen T. Marcus
Carol A. Roberts
Warren H. Newell
Burt Aaronson
Maude Ford Lee

Robert Weisman

Department of Planning, Zoning & Building

Kristin K. Garrison, Executive Director



IX. B. 27

Petition No.: DOA77-46A
Petitioner: Bayberry Investments, Inc.
Owner: Bayberry Investments, Inc.
Agent: Kieran J. Kilday
Telephone: (407) 689-5522
Project Manager: Joe Verdone, Site Planner

Property Location: West side of Haverhill Road. approximately 1 1/2 miles south of 45th Street in the Cypress Lakes PUD.

Request: Development Order Amendment/Expedited Application Consideration to allow a Veterinary Clinic - no outdoor activities, a Requested Use, in a previously approved PUD.

PETITION SUMMARY:

Proposed is the addition of a veterinary clinic with no outdoor activities to be incorporated into the existing shopping center square footage. The use will utilize approximately 2,100 square feet of the existing structures on site. No exterior changes are proposed or required by this approval.

ISSUES SUMMARY:

Veterinary clinics are generally associate with outdoor activities consisting of outdoor runs and pens, which, can cause noise concerns for the surrounding area. This proposal does not include any outdoor activities and staff has recommended a condition that prohibits outdoor activities to ensure the request and the approval is consistent with the application.

R93 1368

358

SURROUNDING LAND USES

City of W. Palm Beach

1-24-CCDD
12.8 ACRES

Roebuck Road

SITE

Haverhill Road

INST

PETITION NO. 77-46

DATE: 10-15-93

LAND USE ATLAS RAGE NO. 51



R93 1368

360

PALM BEACH COUNTY HEALTH UNIT COMMENTS:

SEWER: Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-I.

WATER: Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ERC-II.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION

This property has been previously cleared and no longer supports native vegetation.

WELLFIELD PROTECTION ZONE

The property is located within a Wellfield Protection Zone #4.

ENVIRONMENTAL IMPACTS

No significant environmental impacts are anticipated.

,FINDINGS: The Environmental Resource Management Department has reviewed the application and found the proposed amendment 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.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire/Rescue will provide fire protection.

SCHOOL IMPACTS: None

PARKS AND RECREATION: None

ZONING EVALUATION:

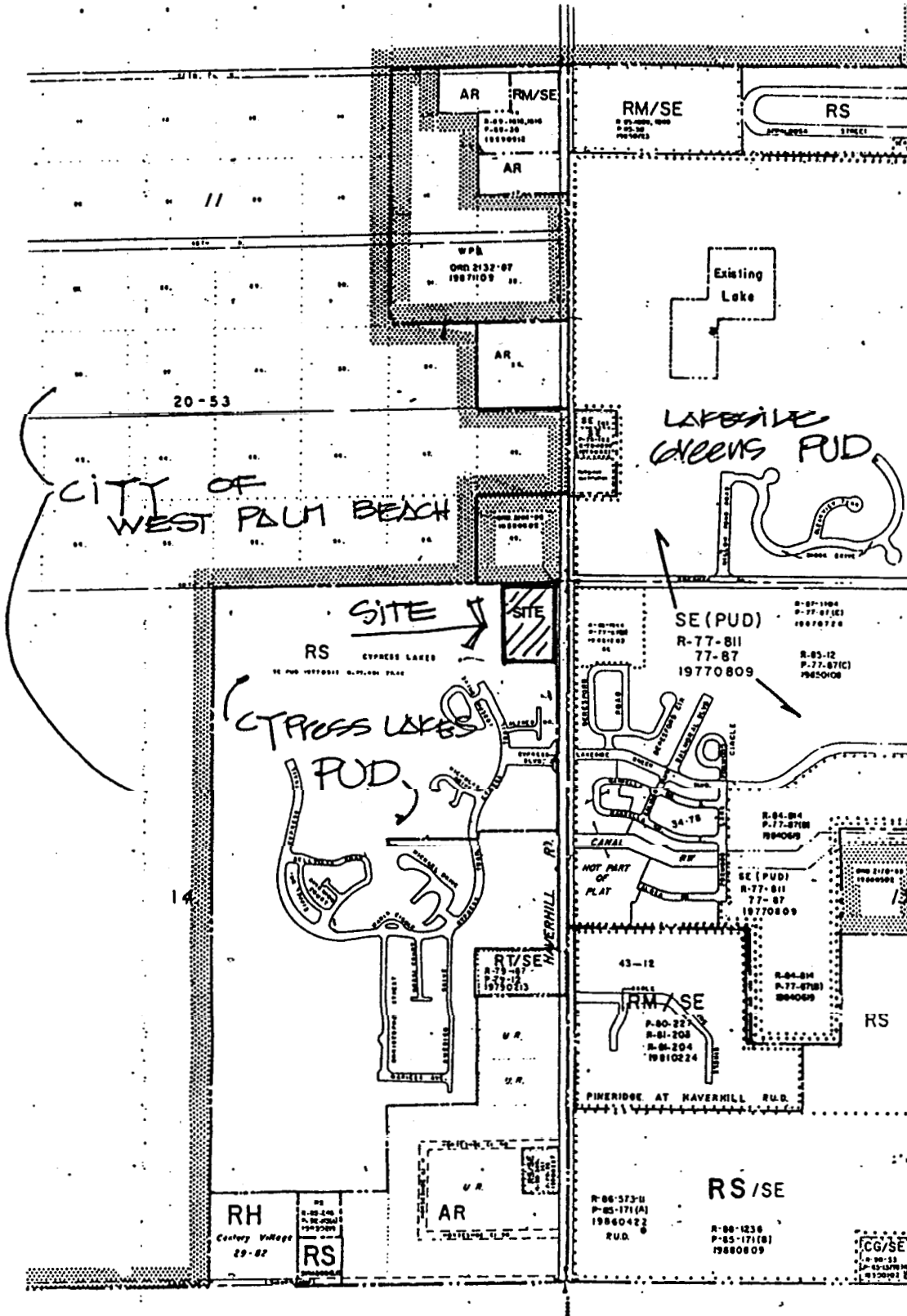
SITE FACTORS: A 4.85 acre site 338 feet wide and an average depth of 625 feet accessed by Campinelli Blvd. The site currently supports a commercial shopping center.

ADJACENT ZONING AND EXISTING USES:

NORTH:	Comprehensive Plan:	City of West Palm Beach
	Zoning District:	City of West Palm Beach
	Supporting:	Vacant
EAST:	Comprehensive Plan:	Medium Residential-5
	Zoning District:	Residential Single Family (RS)/SE
	Supporting:	Lake side Green PUD

R93 1368 362

EXHIBIT B
(location sketch)



R93 1368

364

"Limited to the Commercial site, a fifty (50) foot landscape buffer zone, containing no paving, shall be provided within the one hundred (100) foot setback. Furthermore, a "no access" easement shall be dedicated to Palm Beach County along Haverhill Road within the buffer zone with the intent to exclude motor vehicular access to Haverhill and provided further no sign shall be placed within this area."

Is hereby amended to state:

Limited to the Commercial site, a fifty (50) foot landscape buffer zone, containing no paving, shall be provided within the one hundred (100) foot setback. Furthermore, a "no access" easement shall be dedicated to Palm Beach County along Haverhill Road within the buffer zone with the intent to exclude motor vehicular access to Haverhill Road. Signage within this easement this area is prohibited.

9. Developer must apply for a surface water management permit for the proposed development, prior to construction. (Previously condition 9 of Petition 77-46, Resolution Number 77-481).

R93 1368