

RESOLUTION NO. R-94-1078

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 86-7.6
TO REZONE PROPERTY PREVIOUSLY REZONED BY
RESOLUTION NO. R-86-573-20
APPROVING THE PETITION OF FEDERATED REALTY INC.
PETITION NO. 86-7

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan; and

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 86-7.6 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 25, 1994; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 86-7.6 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Land Development Code authorizes the Board of County Commissioners to rezone property; and

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

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations; and
2. The property owner has requested the rezoning.

WHEREAS, Section 5.3 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 the recommendation of Status Report No. SR 86-7.6, to rezone the property to the RTU-Residential Transitional Urban District, which was previously rezoned to the CG-General Commercial District by the approval of the petition of Federated Realty Inc., Petition No. 86-7, confirmed by the adoption of Resolution R-86-573-20, on a parcel of land being all of Tracts 9 and 10, together with a portion of Tracts 11, 22, 23 and 24, together with a portion of that certain 15 foot road Right-of-Way lying Easterly of and adjacent to Tracts 9 and 24, all in Section 21, Township 46 South, Range 42 East, Palm Beach Farms Company, Plat No. 1, according to the plat thereof, as recorded in Plat Book 2, Page 26, through 28, inclusive, said parcel of land being more particularly described as follows: Commencing at the North 1/4 corner of said Section 21; thence, bear South 01 degree 54'12" East, along the East line of Northwest 1/4 of said Section 21, a distance of 30.01 feet for a Point of Beginning: Thence, continue South 01 degree 54'12" East along said line, a distance of 759.30 feet; Thence, South 89 degrees 18'22" West, a distance of 989.60 feet: Thence, North 00 degree 41'38" West, a distance of 706.39 feet to the Southerly Right-of-Way line of Lake Worth Drainage District L-34 Canal, as recorded in Deed Book 113,

'Page 76; thence, North 89 degrees **22'49"** East, along said **Right-of-Way** line, a distance of 297.14 feet to the intersection thereof with the West line of said Tract 10; Thence, North 00 degree **53'48"** West, along the West line of said Tract 10, a distance of 54.01 feet to the Northwest corner of said Tract 10; Thence, North 89 degrees **22'49"** East, along the North line of said Tracts 9 and 10 and its Easterly prolongation, a distance of 677.56 feet to the Point of Beginning, being located on the southwest corner of the intersection of West Atlantic Avenue and **Hagen** Ranch Road, is approved.

Commissioner Newell moved for approval of the Resolution.

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

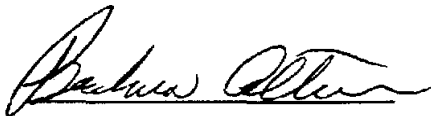
MARY MCCARTY, CHAIR	-- Aye
BURT AARONSON	-- Aye
KEN FOSTER	-- Aye
MAUDE FORD LEE	-- Aye
KAREN T. MARCUS	-- Aye
WARREN H. NEWELL	-- Aye
CAROL ROBERTS	-- Absent

The Chair thereupon declared the resolution was duly passed and adopted this 25th day of August, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:

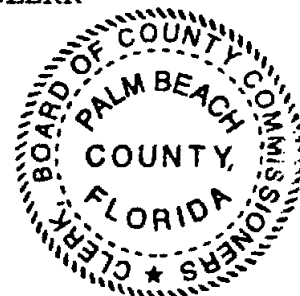


DOROTHY H. WILKEN, CLERK

BY:



DEPUTY CLERK



PALM BEACH COUNTY.

STATUS REPORT SR 86-7.6
(For Zoning Petition 86-7)Staff Recommendation

Staff recommends that the Board of County Commissioners revoke the Special, Exception which allows a Planned Commercial Development, and rezone the property from the CG-General Commercial District to the RTU-Residential Transitional Urban District. This recommendation is based on the following:

1. The RTU-Residential Transitional Urban District is consistent with the Comprehensive Plan.
2. The property owner has requested the rezoning.

Development Approval Being Reviewed: Zoning Petition 86-7 was approved by the adoption of Resolutions R-86-573-20 and R-86-573-21 on April 22, 1986. The resolutions rezoned the property to the CG-General Commercial District and approved a Special Exception to allow a Planned Commercial Development. The zoning action is now being reviewed pursuant to Section 5.8 of the Palm Beach County Land Development Code Section, "Compliance with Time Limitations," as development has not commenced.

Property Description: The subject property is approximately 17.1 acres in size and is on the southwest corner of the intersection of West Atlantic Avenue and **Hagen** Ranch Road.

Property Owner(s): Keadowland Development Corp.

Required Action: Section 5.8 of the Land Development Code requires that the Board of County Commissioners take one or more of the following actions: grant a time extension of up to twelve months, rezone the property and/or revoke the Special Exception, impose entitlement density/intensity, add or modify conditions of approval, permit the property owner to file a petition to add or modify conditions of approval.

REVIEW FACTORSConsistency with Land Use Plan

The Land Use Plan category for the subject property is Commercial with an underlying designation of Medium Residential 5. When the zoning for a parcel of land becomes subject to review pursuant to the requirements of Section 5.8 of the Land Development Code, staff applies the commercial subcategory criteria in determining the appropriate commercial subcategory. In this case, the appropriate category is CH-Commercial High Intensity. CG zoning is consistent with the CH Plan category.

Performance Standards

The current approval, which will generate approximately 6,767 trips per day, can meet the Countywide Traffic Performance Standard by passing Alternate Test #1 on the following overcapacity roads with no assured construction of improvements: S.R. 7 (Atlantic Avenue to Clint Moore Road), and **Military Trail** (Atlantic Avenue to **Linton** Boulevard). The project would also have to be phased to the six-lane widening of Atlantic Avenue (Jog Road to Military Trail scheduled to be let for construction by August 1994).

Supplemental Information

Resolutions 85-573-20 and 85-573-21 have previously received six one-year time extensions.

The BCC approved one extension after **Mr. William R. Boose, III** agreed to **commit** to two additional conditions. He submitted a **letter** dated July 14, 1989 to the Zoning Division agreeing to limit the square footage for any building permit (45,000 s.f. general office or 6,500 s.f. restaurant) until the contract has been let for road widening to a six-lane median divided section for West Atlantic Avenue from Jog Road east as per Palm Beach County's Five Year Road Construction Plan.

Condition **Number** 9 of Resolution Number 86-573-21 required the conveyance of right-of-way to the Lake Worth Drainage District. This has been done.

Condition Number 14 required the payment of **\$18,000.00** to the County's Roadway Improvement Program within ninety days of resolution adoption. This has been done. The condition also required performance surety for the remaining **\$226,485.00** within ninety days of approval. This was done and the County has drawn the money.

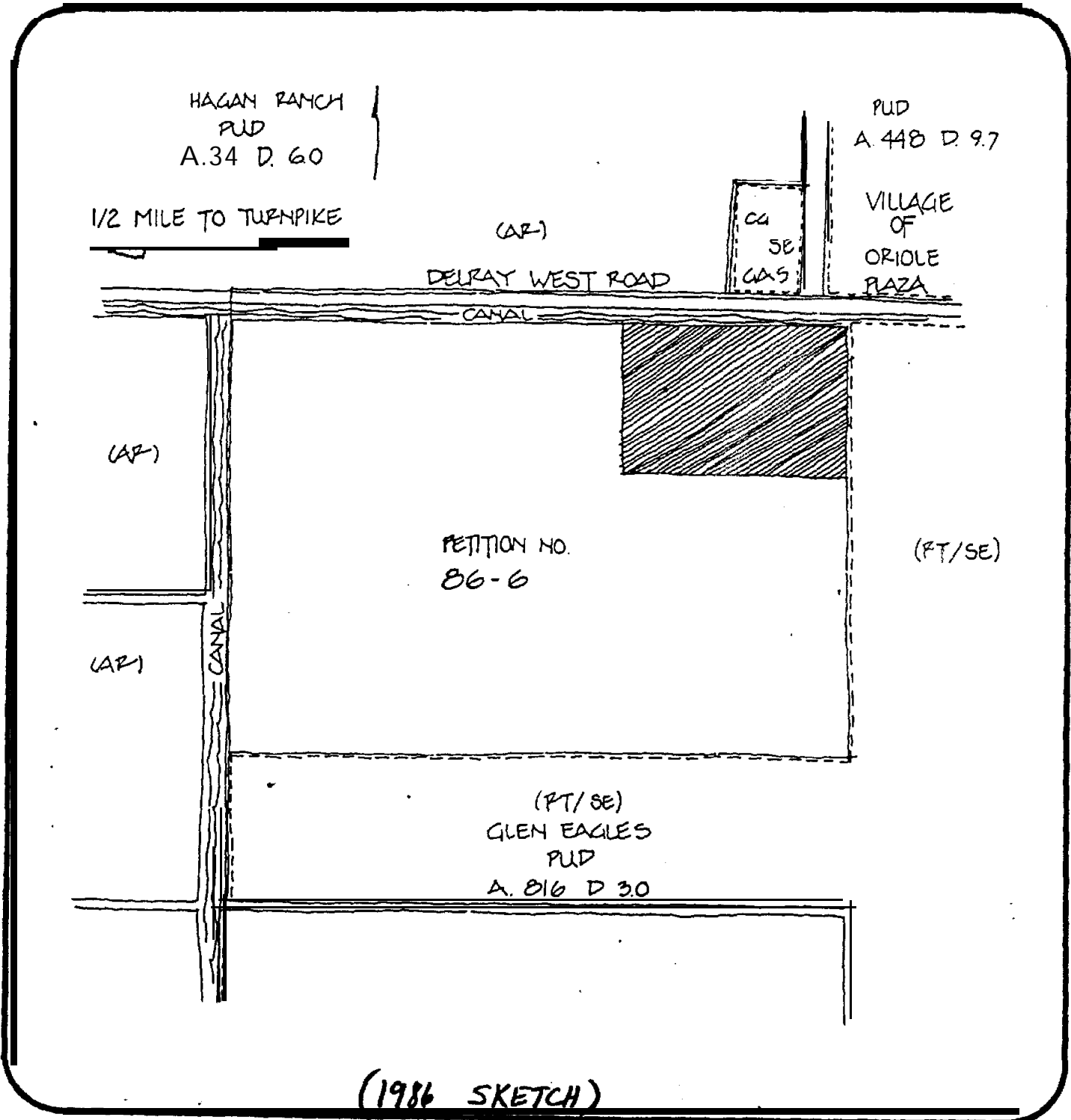
The BCC has previously amended and added several conditions of approval primarily related to site design, use limitations, and signs.

This status report was postponed from the June BCC meeting to the August BCC meeting at the request of the contract purchaser.

Since that time, the property was purchased from the F.D.I.C. by Meadowland Development Corporation. David R. **Seach**, President, has notified staff that he wishes to develop the property with residential units, and requests the revocation of the special exception, and rezoning of the property to the **RTU-Residential Transitional Urban** zoning district. Planning and Zoning staff have reviewed this request and recommend approval.

June 1994
Revised August 1994

Sec. Twp. Rng. Vicinity
 Quadrant Sheet: Sketch
 Aerial Page: ,



Request: To rezone from AR-Agricultural Residential District to CG-General Commercial District and the Further Special Exception to allow a Planned Commercial Development,

130

WEST ATLANTIC AVE.

3H/5(A)

8

C/8

C/5

SITE

5

65-1

66-1

96-1

97-1

37

U/T

3

104

131

231

131

