

RESOLUTION NO. R-94- 1320

RESOLUTION APPROVING ZONING PETITION **294-54**
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF FLAGLER MANAGEMENT & REALTY, 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 notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance **92-20**), have been satisfied; and

WHEREAS, Zoning Petition **294-54** was presented to the Board of County Commissioners at a public hearing conducted on September 29, 1994; 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 Land Development Code;
3. This official zoning **map** amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County 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 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 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 294-54, the petition of Flagler Management & Realty, Inc., for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) ZONING DISTRICT to the Public Ownership (PO) 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 September 29, 1994, 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 Marcus 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	--	Absent
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent


The Chair thereupon declared that the resolution was duly passed and adopted this 29th day of September, 1994.

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

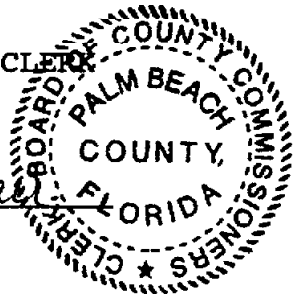


EXHIBIT A

LEGAL DESCRIPTION

That part of the West half (W1/2) of the Northwest quarter (NW 1/4) of the Northwest quarter (NW 1/4) of the Northeast quarter (NE 1/4) of Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida, described as follows:

COMMENCE at the Northwest corner of the Northeast quarter (NE 1/4) of said **Section 27;**

Thence North 89°-23'-49" East, along the North line of the Northeast quarter (NE 1/4) of Section 27, 56.00 feet;

Thence South 00°-08'-04" East, along a line 56.00 feet East of and parallel with the West line of the said Northeast quarter (NE 1/4) of Section 27, 363.03 feet;

Thence South 03°-31'-39" West, 6.98 feet to the POINT OF BEGINNING;

Thence continue South 03°-31'-39" West, 243.53 feet;

Thence South 00°-08'-04" East, 51.95 feet to the South line of the said West half (W1/2) of the Northwest quarter (NW 1/4) of the Northwest quarter (NW 1/4) of the Northeast quarter (NE 1/4) of Section 27;

Thence North 89°-30'-45" East, along said South line, 292.29 feet to the East line of the said West half of the Northwest quarter (NW 1/4) of the Northwest quarter (NW 1/4) of the Northeast quarter (NE 1/4) of Section 27;

Thence North 00°-09'-20" West, along said East line, 293.18 feet;

Thence South 89°-51'-56" West, 274.62 feet to the said POINT OF BEGINNING.

TOGETHER WITH the East one-half of the Northwest one-quarter of the Northwest one-quarter of the Northeast one-quarter of Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida.

SUBJECT TO easements, reservations restrictions and rights of way of record, if any.

Containing: 7.01 Acres more or less

EXHIBIT C

VOLUNTARY COMMITMENTS

A. GENERAL

1. Prior to issuance of any building permit or commencing construction in the event the Post Office is exempt from local building permits, the petitioner shall submit an application to the Development Review Committee (DRC) **for** certification of a final site plan and shall be **approved** by the DRC. (ZONING)

B. LANDSCAPING - STANDARDS

1. All trees required to be planted on site, except **within** residential lots, by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter **shall** be determined by the average canopy radius at 3 points measured from the trunk to the **outermost** branch tip. Each radius shall measure at least 3.5 feet in length. (BUILDING-Zoning)

C. (ABUTTING ALONG NORTH AND WEST PROPERTY LINE RIGHTS-OF-WAY)

1. Landscaping within the required buffer along the **north** and west property lines, abutting Boynton Beach **Boulevard** and Jog Road, shall be upgraded to include:
 - a. A minimum ten (10) feet wide landscape buffer;
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm tree for each thirty (30) linear feet of frontage; and,
 - d. Thirty (30) inch high shrub or hedge **material** spaced twenty-four (24) inches on center at installation. (BUILDING-Zoning)

D. LAWDSAPING ALONG SOUTH AND EAST PROPERTY LINES

1. Landscaping and buffering along the south and **east** property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape **buffer** strip.
 - b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (**BUILDING-Zoning**)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. One (1) canopy tree planted every twenty (20) feet on center;

- b. One (1) palm tree or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and,
 - c. Thirty six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches. (BUILDING-Zoning)
3. Along the interior side of the required wall, the property owner shall install thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of seventy-two (72) inches. (ZONING)

E. ENGINEERING

1. LANDSCAPE WITHIN MEDIAN

- 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 adjacent median(s) of all abutting rights-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 first 90 day time 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. (BUILDING - Engineering)
 - 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's Association, and shall be installed on or before the issuance of a Certificate of Occupancy. (BUILDING - Engineering)
 - 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. (BUILDING - County Attorney)
2. Prior to site plan approval by the Development Review Committee, the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney. This Unity of Title may be broken with the approval of the Executive Director of Planning, Zoning and Building. (COUNTY ATTORNEY/ENGINEERING)

3. If the current construction plans do not provide **for** a sidewalk on Jog Road along the east right-of-way, then the property owner shall revise the construction plans and fund this improvement. Funding shall be limited to the plan changes and cost of the sidewalk along the property owners frontage. Funding and plan revisions shall be completed prior to January 1, 1395. (ENGINEERING/Monitoring)
4. The property owner shall convey to the Lake Worth Drainage District (LWDD) a right-of-way 80 feet in width for the LWDD Lateral Canal No.24, lying South of and adjacent to the South right-of-way line of Boynton Beach Boulevard (S.R. No. 804) by Quit Claim Deed **or** an Easement Deed in the form provided by said District, at the time of recording of the first plat. (ENGINEERING-LWDD)

F. USE LIMITATION

1. Use of the site shall be limited to a U.S. Post Office and customary accessory uses. (ZONING/BUILDING)

G. SIGNS

1. Point of purchase signs fronting on Jog Road and Boynton Beach Boulevard shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square **feet;**
 - c. Maximum number of signs - one (1) per frontage;
 - d. Monument style. (BUILDING)