

RESOLUTION NO. R- 95-11

RESOLUTION APPROVING ZONING PETITION 294-70
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF JOHN VAN LENNEP

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 **294-70** was presented to the Board of County Commissioners at a public hearing conducted on January 6, 1995; 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 294-70, the petition of John Van Lennep, for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) ZONING DISTRICT to the Agricultural Reserve (AGR) 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 January 6, 1995, subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 6th day of January, 1995.

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

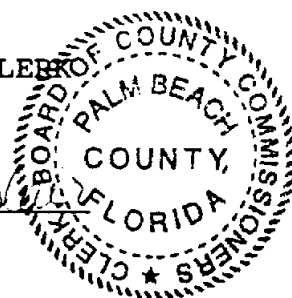


EXHIBIT A
LEGAL DESCRIPTION

Lots 18 through 31, of Block 1, ATLANTIC PARK, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 14, Page 1.

and ;

All of Block 2, ATLANTIC PARK, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County Florida, recorded in Plat Book 14, Page 1, E S S AND EXCEPTING therefrom the West 13.43 feet thereof.

EXHIBIT B
VICINITY SKETCH

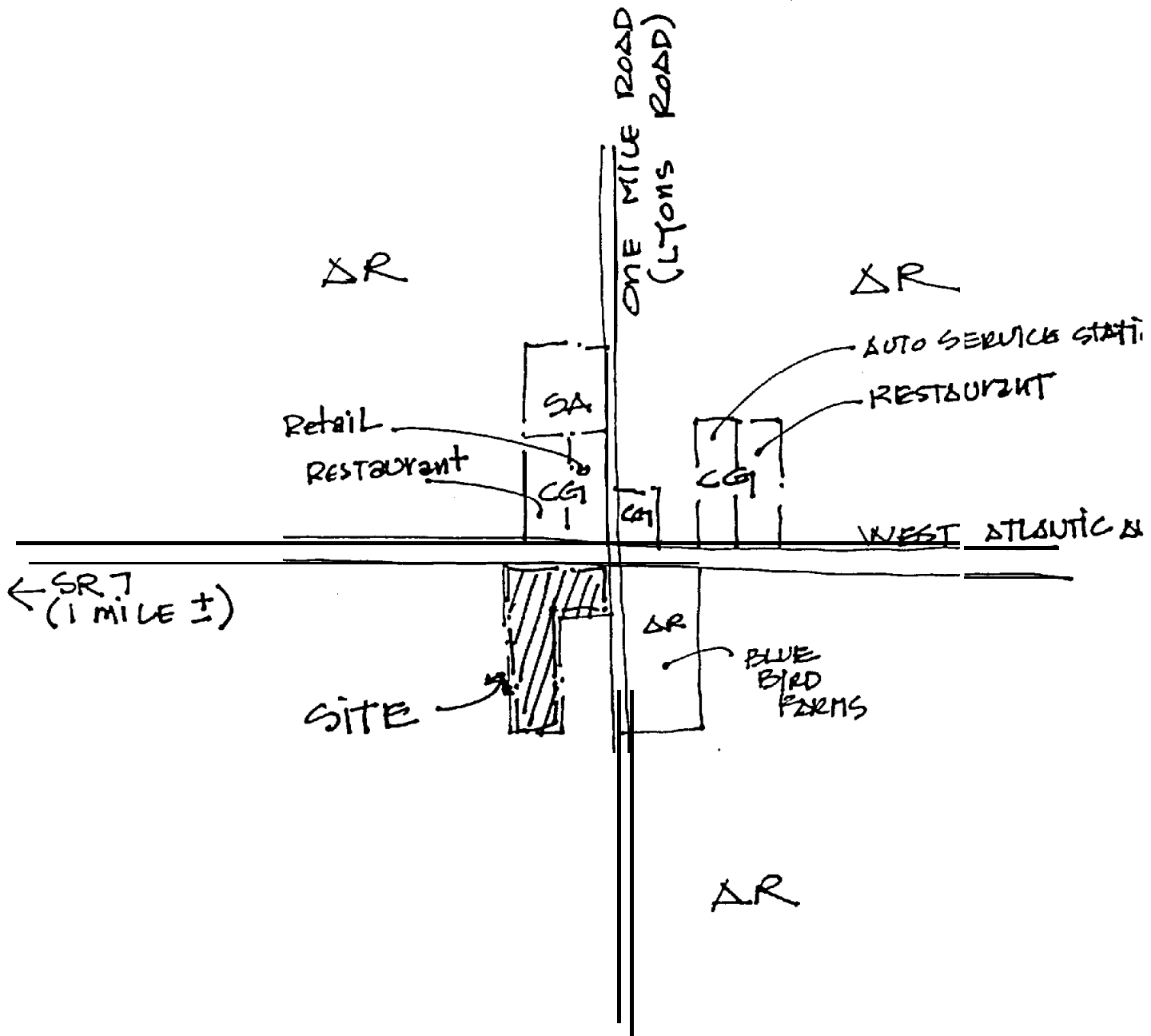


EXHIBIT C

VOLUNTARY COMMITMENTS

A. ACCESS

1. Vehicular access to the site shall be prohibited from Third (3rd) Street and Forest Avenue. (BUILDING-Zoning)

B. LANDSCAPING - STANDARDS

1. All trees required to be planted on site 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. LANDSCAPING ALONG THE NORTH AND PROPERTY LINE (ABUTTING RIGHTS-OF-WAY)

1. Landscaping within the required fifteen (15) foot buffer along West Atlantic Avenue shall be upgraded to **include:**

- a. One canopy tree **planted** every twenty (20) **fee:** on center.
- b. One palm tree for each twenty (20) linear fee: of frontage. A group of three or more palm trees may supersede the requirement for a native canopy **tree** in that location.
- c. Twenty-four inch tall hedge or shrub **material** planted twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches.

D. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT)

E. ENGINEERING

1. The property owner has voluntarily agreed to **convey** to the Lake Worth Drainage District the south 75 feet of the north 103 feet of that portion of section 19, **township** 46 south, range 42 east the required right-of-way for Lateral Canal No. 34, by Quit Claim Deed or an **Easement** Deed in the form provided by said District. This right of way dedication shall be completed prior to **issuance** of any further building permits. (MONITORING - Lake Worth Drainage District).

2. Prior to Site Plan approval the property owner shall enter into a Removal Agreement with Palm Beach County for any existing structures which are currently located within the ultimate rights of way for Lyons Road or West Atlantic Avenue. The property owner shall **dedicate** to P.B.C. the ultimate right of way for Lyons Road and West Atlantic Avenue within 90 days of the receipt of the request by the County. Right-of-way conveyance shall be 50 feet from centerline for West Atlantic Avenue and 60.5 feet from centerline for Lyons Road along the project's entire frontage, free of all encumbrances and encroachments. The 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 as determined by the County Engineer. (ENGINEERING - Engineering)
3. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for Petition 94-70, which permits construction of a 5,246 square foot landscape maintenance service and agricultural sales and services building, to be paid at the time of issuance of the Building Permit presently is **\$2,420.00** (44 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).

F. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, **paper**, plastic, metal and glass products. (SWA)

G. SIGNS

1. Should existing point of purchase or freestanding signs be relocated, removed or altered, all point of **purchase** or freestanding signs 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);
 - d. Style - monument style only. (BUILDING)
2. No freestanding or point of purchase signs shall be permitted along One Mile Road (Lyons Road). (BUILDING)

H. USE LIMITATIONS

1. No repair maintenance or washing of vehicles, **including** lawn maintenance equipment, shall be permitted on site. (HEALTH/CODE ENFORCEMENT)

I. HEALTH

1. Should utility connection not be required, the **property** owner shall submit an application and engineering plans upgrading the on-site sewage disposal systems (OSDS) in accordance with Chapter **10D-6** FAC and Palm Beach **County** ECR-I, and upgrading the water **supply** system in accordance with Chapter **10D-4** FAC and Palm Beach County ECR II. The application and plans must be submitted and prior to final site plan certification. (HEALTH)

J. COMPLIANCE

1. Failure to comply with any of these, condition: of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on **any** building or structure; or the denial or revocation of *any* permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - c. A requirement of the development to conform with updated standards of development, applicable 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;
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

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 Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, **shall** be by petition for writ of certiorari to the **Fifteenth** Judicial Circuit. (MONITORING)