

12/43/41

RESOLUTION APPROVING ZONING PETITION PDD74-81(D)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF FOX PROPERTY VENTURE  
BY RUSSELL SCOTT, AGENT  
(FOX PROPERTY DRI - SOUTH MUPD)

**FILE COPY**

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 Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD74-81(D) was presented to the Board of County Commissioners at a public hearing conducted on January 6, 1997; 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) of ~~the~~ Palm Beach County Unified 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 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 PDD74-81(D), the petition of Fox Property Venture by Russell Scott, agent, for an Official Zoning Map Amendment (Z) from the Residential Single Family (RS) to the Multiple Use Planned Development (MUPD) Zoning District on the south side of Okeechobee Boulevard with permitted uses as allowed by Exhibit C of Settlement Agreement Case #770846, Final Order #LW93037 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, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Lee 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 30, 1997.

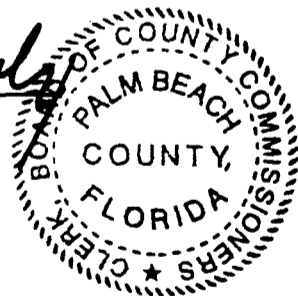
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN. CLERK

BY: *Burton Altman*  
COUNTY ATTORNEY

BY: *Joan Hawley*  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**FOX PROPERTIES**  
**SOUTH COMMERCIAL PARCEL**

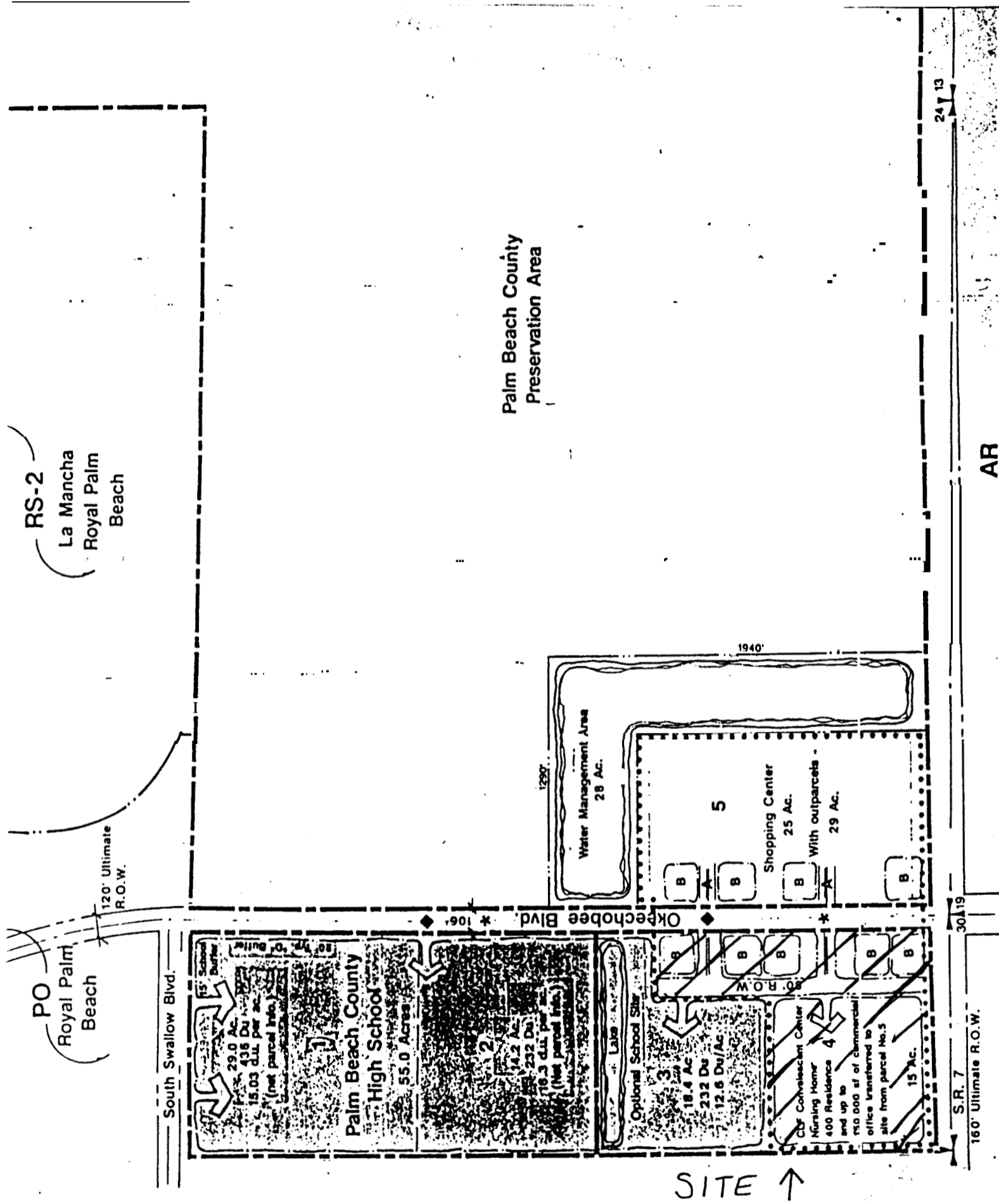
DESCRIPTION:

A PARCEL LYING IN THE EAST ONE-HALF (E. 1/2) OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE NORTH 88°48'13" WEST, ALONG THE SOUTH LINE OF SAID SECTION 24 (BASIS OF BEARING), A DISTANCE OF 98.73 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF STATE ROAD 7 (D.B. 992, PG. 123) AND THE POINT OF BEGINNING; THENCE NORTH 00°40'58" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 1137.51 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF OKEECHOBEE BOULEVARD ORB 6320, PG 1274); THENCE NORTH 88°46'44" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 224.14 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, THENCE WESTERLY, ALONG SAID CURVE AND SAID RIGHT-OF-WAY, HAVING A RADIUS OF 11358.95 FEET, THROUGH A CENTRAL ANGLE OF 03°01'28", A DISTANCE OF 599.60 FEET TO A POINT OF REVERSE CURVATURE;; THENCE CONTINUING WESTERLY, ALONG SAID CURVE AND SAID RIGHT-OF-WAY, HAVING A RADIUS OF 11558.95 FEET, THROUGH A CENTRAL ANGLE OF 02°31'39", A DISTANCE OF 509.90 FEET; THENCE SOUTH 02°00'29" WEST, A DISTANCE OF 273.44 FEET; THENCE SOUTH 88°48'13" EAST, A DISTANCE OF 554.80 FEET; THENCE SOUTH 00°40'58" WEST, A DISTANCE OF 832.66 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 24; THENCE SOUTH 88°48'13" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 883.57 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, SUBJECT TO ALL PERTINENT MATTERS OF PUBLIC RECORD. CONTAINING 23.978 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### MUPD REZONING (SOUTH SIDE OF OKEECHOBEE) CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. All conditions contained in Resolution R-74-699 are hereby repealed. (MONITORING)
2. The petitioner shall comply with all applicable previous conditions of approval contained in Resolution R-94-487 and the Final Order No. LV-93-037 for the State of Florida Land and Water Adjudicatory Commission Stipulated Settlement Agreement for FLWAC Case No. 74-18 and DOAH Case No. 77-0846, unless expressly modified. (MONITORING)
3. Development of the site is limited to the uses and general site design indicated on the master plan approved by the Board of County Commissioners. The approved master plan is Exhibit C of Settlement Agreement No. 77-0846, Final Order No. LW-93-037. All modifications must be approved by the Board of County Commissioners unless the proposed changes are in accordance with the ULDC or Settlement Agreement No. 77-0846. (ONGOING: ZONING)

#### B. AUTO SERVICE/GAS SALES

1. All facilities providing gasoline sales to the general public shall provide air and water to the public at no charge. (DRC/ONGOING: ZONING/CODE ENF)

#### C. BUILDING AND SITE DESIGN

1. A maximum of 150,000 gross commercial floor area may be transferred from Pod 5 to Pod 4 of the DRI. This square footage shall be limited to professional, **business** or medical **offices** uses only and may **be** permitted in combination with a maximum 400 resident CLF/nursing home. (DRC: ZONING)
2. A maximum of five (1) one acre outparcels shall **be** permitted along the south side of Okeechobee Boulevard. (DRC : ZONING)

#### D. CLF/NURSING HOME

1. The CLF/nursing home shall be limited to a combined maximum of 400 residents. (DRC; ZONING)

#### E. ENGINEERING

1. No new conditions.

#### F. MUPD

1. Permitted and requested uses shall be allowed as indicated on Exhibit C of Settlement Agreement Case #770846, Final Order #LW93037. (DRC: ZONING)

G. PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF)
2. Prior to site plan certification by the Development Review Committee (DRC), the site plan shall be amended to include shopping cart storage and retrieval corrals in all retail parking areas. (DRC: ZONING)

H. COMPLIANCE

1. Failure to comply with any of the conditions of approval 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; 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 noncompliance, 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.

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. (MONITORING)