

RESOLUTION APPROVING ZONING PETITION CB83-67(A)
CLASS B CONDITIONAL USE
PETITION OF MIGRANT ASSOCIATION OF SOUTH FLORIDA, INC.

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class B Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition CB83-67(A) was presented to the Zoning Commission at a public hearing conducted on August 3, 1995; and

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Zoning Commission made the following findings of fact:

1. This Class B Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class B Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class B Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class B Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class B Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class B Conditional Use meets applicable local land development regulations.
7. This Class B Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class B Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.

- ° This Class B Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class B Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CB83-67(A) the petition of Migrant Association of South Florida, Inc., for a Class B Conditional Use (CB) for a medical/dental clinic., 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 August 3, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner _____ moved for the approval of the Resolution.

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


Al Miller, Chair	--
Allen J. Kaplan	--
Mark Guzzetta	--
Frank A. Barbieri, Jr.	--
Kevin Foley	--
Sherry L. Hyman	--
Mikel Jones	--

The Chair thereupon declared that the resolution was duly passed and adopted this 3rd day of August, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


CHAIR

FILE:H:\WPDATA\PROD\RESO\CB

A PORTION OF TRACTS 116 & 117, PALM BEACH
FARMS CO. PLAT NO. 3,
PLAT BOOK 3 PAGES 45 THRU. 54
PALM BEACH COUNTY, FLORIDA

83-67 A

LEGAL DESCRIPTION OF ENTIRE SITE:

TRACT 116 AND THE WEST ONE-HALF OF TRACT 117, BLOCK 50, PALM BEACH FARMS COMPANY, PLAT NO. 3, AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 70.00 FEET OF SAID TRACTS AS CONVEYED TO THE COUNTY OF PALM BEACH FOR ROAD PURPOSES.
CONTAINING 6.70 ACRES MORE OR LESS.

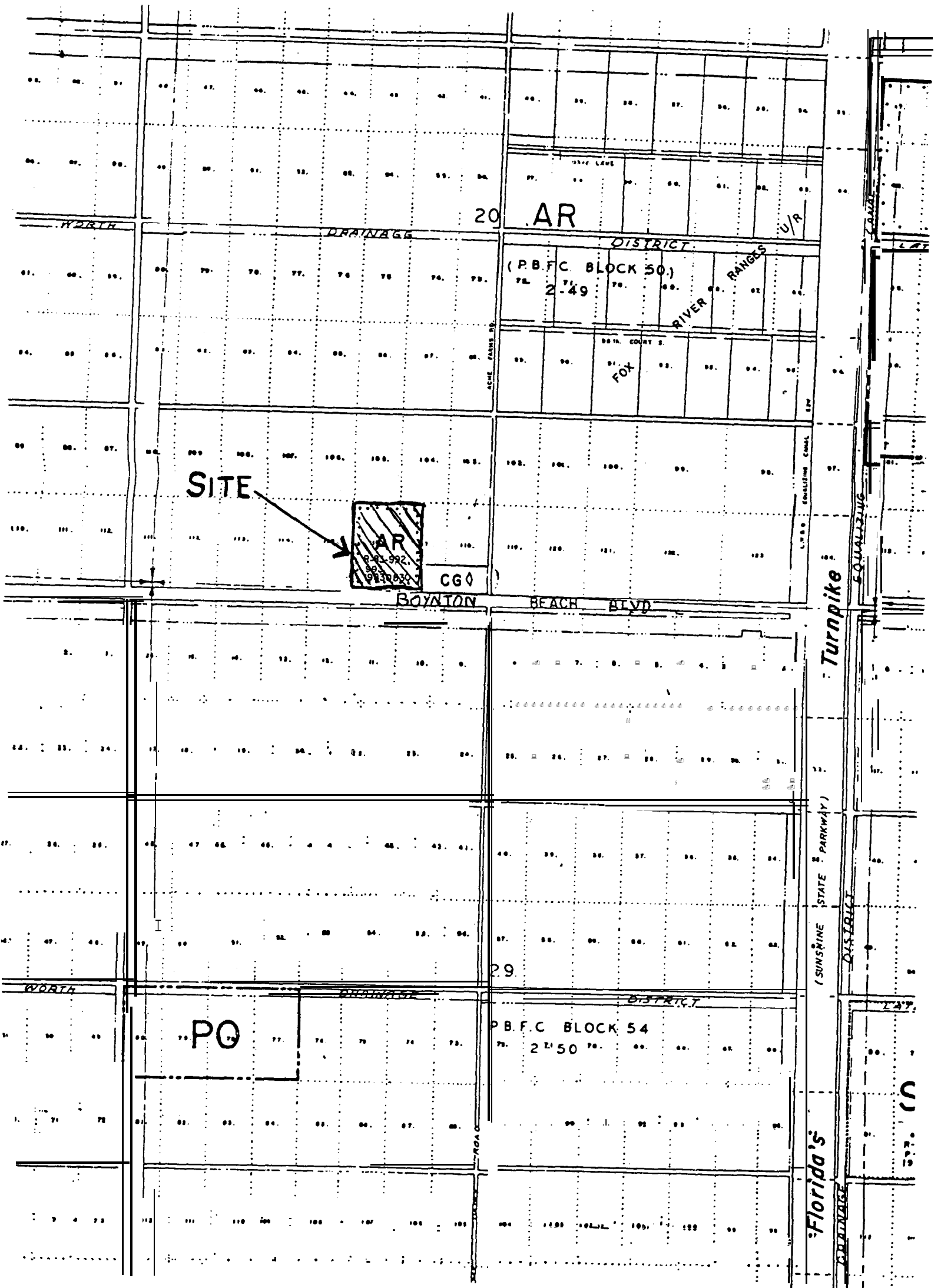
LEGAL DESCRIPTION OF PHASE ONE:

THE NORTH 290.00 FEET OF TRACT 116 AND THE WEST ONE-HALF OF TRACT 117, BLOCK 50, PALM BEACH FARMS COMPANY, PLAT NO. 3, AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LEGAL DESCRIPTION OF PHASE TWO:

TRACT 116 AND THE WEST ONE-HALF OF TRACT 117, BLOCK 50, PALM BEACH FARMS COMPANY, PLAT NO. 3, AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. AND LESS THE NORTH 290.00 FEET THEREOF.

EXHIBIT B
VICIN SKETCH



CONDITION: APPROVAL

A. HEALTH

1. Application and engineering plans to construct an onsite sewage disposal treatment system (OSDTS) in accordance with Chapter 10D-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Public Health Unit prior to final site plan approval. (HEALTH)
2. Because of food preparation onsite, a collection tank with a grease trap and a drainfield larger than that specified by Palm Beach County ECR-I will be required. (HEALTH)
3. In accordance with Chapter 10D-6.043 FAC, an operating permit will be required for the onsite sewage disposal treatment system. (HEALTH)
4. Application and engineering plans to construct a non-community water system in accordance with Chapter 62-555 FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Public Health Unit prior to final site plan approval. (HEALTH)

B. RESTRICTIVE COVENANT

1. Prior to final Site plan certification by the Development Review Committee (DRC) a restrictive covenant, limiting the provision of services to migrant workers and their families only, shall be required. The restrictive covenant shall be recorded and subject to approval of the County Attorney. (COUNTY ATTORNEY)

C. SITE LIMITATION

1. Approval of the Class B Conditional Use (medical/dental clinic and nutrition center) shall be limited to the north 3.30 acres of the site. (ZONING)

D. 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 non-compliance, 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.

In addition, staff may be directed by the Executive Director of PZ&B or by a majority vote of the Board of Enforcement Board to require a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC in response to any flagrant violation and/or continued violation of conditions of approval.

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)

E. ENGINEERING

1. 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 this project, Zoning Petition Number 83-67, to be paid at the time of issuance of the Building Permit presently is \$6,435.00 (117 trips X \$55.00 per trip). (IMPACT FEE COORDINATOR)
2. Prior to certification of the site plan by the Development Review Committee, the property owner shall relocate the entrance to the project a minimum of 70 feet west of the east property line subject to the approval of the County Engineer. (ENGINEERING)
3. Property owner shall construct curbing around both sides of the existing adjacent median of Boynton Beach Boulevard. This curbing shall extend from the existing median termination to the west, and continue to the existing median opening to the east. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING-Engineering)
4. Property owner shall construct a pedestrian pathway along the north side of Boynton Beach Boulevard from the present terminus of the existing pedestrian pathway, west to the west property line. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING-Engineering)
5. Prior to DRC approval, conceptual approval from the Florida Department of Transportation will be required relative to the location of the access onto Boynton Beach Boulevard.