

RESOLUTION NO. R-2000-0257

RESOLUTION APPROVING ZONING PETITION DOA83-107(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF PBC BCC FD&O
BY AUDREY WOLF, AGENT
(PBSO)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA83-107(A) was presented to the Board of County Commissioners at a public hearing conducted on February 24, 2000; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, 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 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 DOA83-107(A), the petition of PBC BCC FD&O, by Audrey Wolf, agent, for a Development Order Amendment (DOA) to redesignate land uses, delete condition 13 in Resolution R-84-0063 and add government services 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on February 24, 2000, subject to the conditions of approval 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 Marcus and, upon being put to a vote, the vote was as follows:

Maude Ford Lee, Chair	--	Aye
Warren Newell, Vice Chair	--	Aye
Karen T. Marcus	--	Aye
Carol A. Roberts	--	Aye
Mary McCarty	--	Absent
Burt Aaronson	--	Aye
Tony Masilotti	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on February 24, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

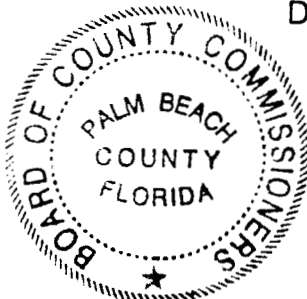
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

Petition DOA83-107(A)
Project No. 0420-000



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EXHIBIT A
LEGAL DESCRIPTION

P.B.S.O. SUB-STATION

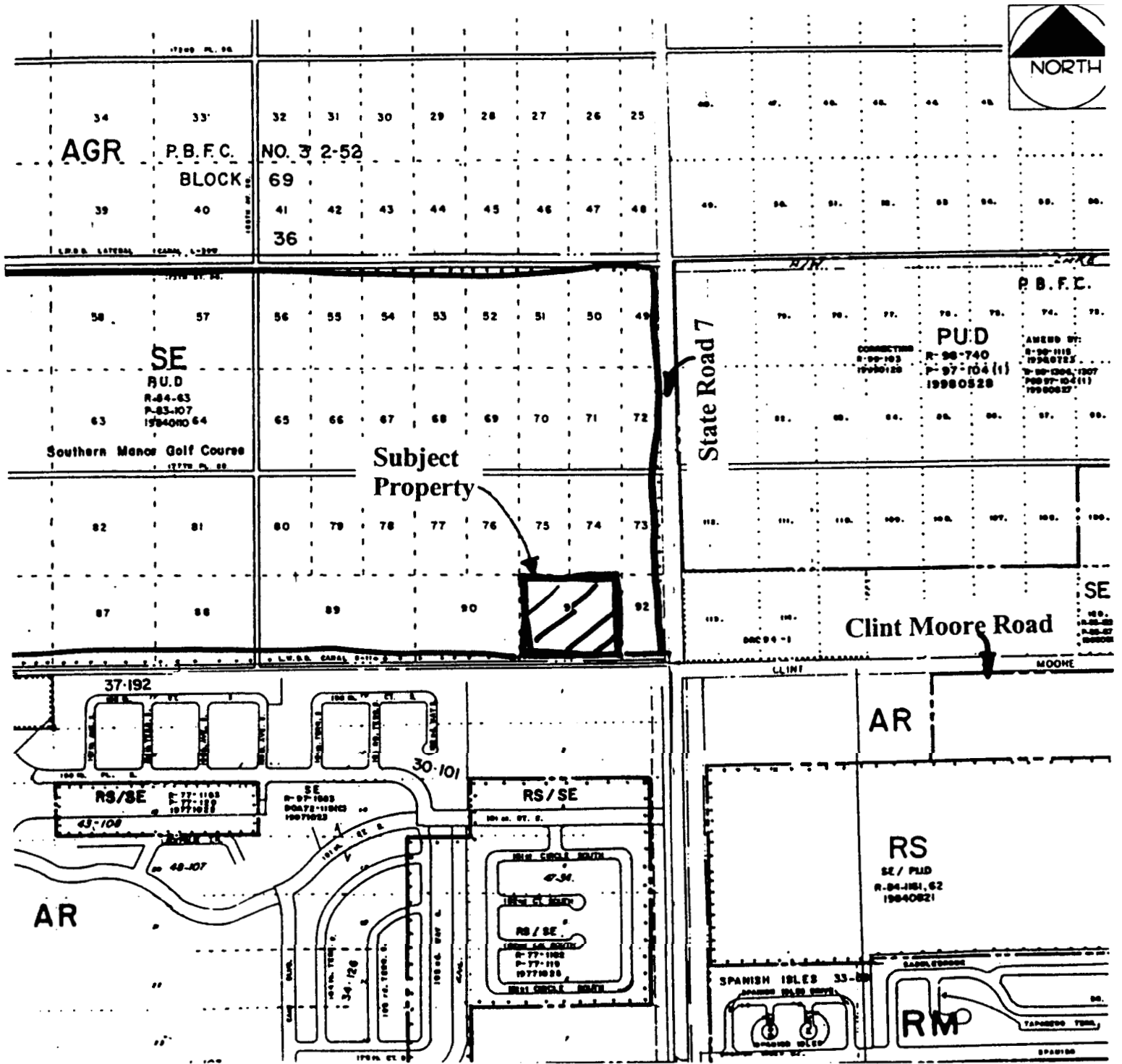
A PARCEL OF LAND LYING IN TRACT "N" OF THE PLAT OF STONEBRIDGE PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK **49**, PAGE **112**, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL SITUATE IN SECTION **36**, TOWNSHIP **46** SOUTH, RANGE **41** EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT "N" THENCE SOUTH **89°10'13"** WEST ALONG THE SOUTH LINE OF SAID TRACT "N", A DISTANCE OF **535.30** FEET; THENCE NORTH **00°49'47"** WEST AT RIGHT ANGLES TO THE SOUTH LINE OF SAID TRACT "N", A DISTANCE OF **498.37** FEET; THENCE NORTH **77°44'46"** EAST, A DISTANCE OF **465.61** FEET TO THE MOST NORTHERLY CORNER OF SAID TRACT "N"; THENCE SOUTH **50°00'05"** EAST ALONG THE BOUNDARY OF SAID TRACT "N", A DISTANCE OF **137.00** FEET; THENCE SOUTH **01°59'55"** WEST CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF **501.64** FEET TO THE SOUTHEAST CORNER OF SAID TRACT "N" AND THE POINT OF BEGINNING.

SAID PARCEL CONTAINING **6.8613** ACRES OR **298,878** SQUARE FEET MORE OR LESS.

BEARINGS ARE BASED ON A GRID (NAD **83,1990** ADJUSTMENT) BEARING OF SOUTH **89°10'13"** WEST ALONG THE SOUTH LINE OF SECTION **36**, TOWNSHIP **46** SOUTH, RANGE **41** EAST AS DETERMINED BY PALM BEACH COUNTY AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

EXHIBIT B
VICINITY SKETCH



Zoning District Map #52, 53, 67

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-84-0063 (Petition 83-107), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the PBSO site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated February 10, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)
(APPLICABLE TO PBSO ONLY)

B. BUILDING AND SITE DESIGN

1. Condition 14 of Resolution R-84-63 of Petition 83-107 which currently states:
The site plan shall provide for an alignment of roads and units that will protect property owners to the south from noise and lights.

Is hereby deleted. [Reason: No longer applicable].
2. **If there is to be a convalescent facility its shall not exceed three stories, residences not to exceed two stories.** (BLDG PERMIT: BLDG - Zoning)(Previous Condition 15 of Resolution R-84-63 of Petition 83-107)
3. Condition 18 of Resolution R-84-63 of Petition 83-107 which currently states:
No residential structures shall be located closer than 50 feet from the south property line.

Is hereby deleted. [Reason: No longer applicable].
4. **The West line of the maintenance area shall be established in a direct North/South alignment.** (Previous Condition 19 of Resolution R-84-63 of Petition 83-107)
5. Total gross floor area shall be limited to a maximum of 34,756 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less subject to approval by Traffic Division or DRC. (DRC: ZONING)(APPLICABLE TO PBSO ONLY)

6. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed twenty five (25) feet, excluding unoccupied decorative architectural elements which are not the major component of the roofing system (i.e. spires, belfries, etc.). All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)(APPLICABLE TO PBSO ONLY)
7. All ground mounted air conditioning and mechanical equipment including satellite dishes, shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG-Zoning)(APPLICABLE TO PBSO ONLY)

C. ERM

1. Previous Condition 12 of Resolution R-84-63 of Petition 83-107 which currently states:

The developer shall preserve significant areas of native vegetation and all wetlands on the subject property.

~~It~~ hereby deleted. [Reason: No longer applicable].

D. HEALTH

1. **The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.** (ONGOING: HEALTHODE ENF)(Previous Condition 9 of Resolution R-84-63 of Petition 83-107)
2. **The developer shall take necessary measures during the development of this property to prevent pollutant run-off to neighboring and nearby surface waters.** (ONGOING: HEALTHODE ENF)(Previous Condition 10 of Resolution R-84-63 of Petition 83-107)
3. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTHODE ENF)(APPLICABLE TO PBSO ONLY)
4. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730FAC. (ONGOING: HEALTHODE ENFORCEMENT) (APPLICABLE TO PBSO ONLY)
5. The owner, occupant or tenant of this facility shall participate in an oil-recycling program, which ensures proper re-use or disposal of any waste oil. (ONGOING: HEALTHODE ENF) (APPLICABLE TO PBSO ONLY)

E. ENGINEERING

1. Condition 1 of Resolution R-84-63 of Petition 83-107 which currently states:

This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance ~~i'3-4~~, as amended.

Is hereby deleted. [Reason: Code requirements].

2. Condition 2 of Resolution R-84-63 of Petition 83-107 which currently states:

The developer shall provide the construction plans for S.R. ~~7~~ as 4-lane median divided section, compatible with the Department of Transportation typical section from South of Glades Road through Kimberly Boulevard to include the appropriate tapers, per the County Engineers approval. These plans shall be completed within six months of Special Exception approval prior to the issuance of a Certificate of Occupancy, whichever first occurs.

Is Completed.

3. Condition 3 of Resolution R-84-63 of Petition 83-107 which currently states:

The developer shall acquire 200 feet of right-of-way for S.R. ~~7~~ west of the west right-of-way line of Lake Worth Drainage District E-I Canal, from south of Glades Road through Kimberley Boulevard including the appropriate tapers which will be required for the road construction for S.R. ~~7~~ as outlined in Condition ~~No.~~ 2 above. This right-of-way shall be acquired within 12 months of Special Exception approval, or prior to the issuance of a Certificate of Occupancy, whichever first occurs. Palm Beach County will acquire this right-of-way at the developer's expense.

Is Completed. (LWDD's letter dated 2/7/2000 has confirmed that the above condition has been completed).

4. Condition 4 of Resolution R-84-63 of Petition 83-107 which currently states:

The developer shall construct S.R. ~~7~~ as a 4-lane median divided section from Glades Road through Kimberly Boulevard to include the appropriate tapers, per the County Engineers approval. The construction shall include an asphalt overlay of the ~~two~~ existing lanes on S.R. ~~7~~, if required by the County Engineer. This construction shall be completed and accepted by the Florida Department of Transportation prior to issuance of 50 certificates of Occupancy or within ~~two~~ (2) years of Special Exception approval, whichever first occurs.

Is Completed.

5. Previous Condition 5 of Resolution R-84-63 of Petition 83-107 which currently states:

The developer shall construct at the project's entrance onto S.R. ~~7~~ concurrent with the filing of the first plat:

- a) Right turn lane, north approach.
- b) Left turn lane, south approach.

Is Completed.

- 6. The developer shall install signalization at the intersection of S.R. 7 and the project's entrance when warranted as determined by the **County** Engineer, but shall be no later than five **(5)** years after the issuance of the final Certificate of Occupancy. (Previous Condition 6 of Resolution R-84-63 of Petition 83-107)

- 7. Condition 7 of Resolution R-84-63 of Petition 83-107 which currently slates:

The developer shall contribute Thirty Two Thousand One Hundred and Forty Three (\$32,143.00) Dollars toward the cost of meeting ~~this~~ project's direct and identifiable impact. The impact fee monies are ~~to be~~ used toward the construction program located within the project ~~area~~. The money shall be in the form of a clean irrevocable letter of credit to Palm Beach County within ninety (90) days of Special Exception approval and may be called upon at any time thereafter.

Is hereby deleted. [Reason: Impact fees are code requirements].

- 8. Condition 8 of Resolution R-84-63 of Petition 83-107 which currently states:

Property owner shall convey, by either easement or deed, to the **Lake** Worth Drainage District, the 30' platted road right-of-way lying **north** of and adjacent to Tracts 49 to 60 inclusive, Block 69, Palm Beach Farms Company Plat **No. 3** as required for the right-of-way for Lateral Canal **39-W**, as well as the South 40.00 feet of Section 36/46/41 and the West 60.00 feet of the South Half of 36/46/41 and the East 60.00 feet of the **South** Half of Section 35/46/41 for the required **right-of-way for Canal No. S-11**.

Is Completed. (LWDD's letter dated 2/7/2000 has confirmed that the above condition has been completed).

- 9. Condition 16 of Resolution R-84-63 of Petition 83-107 which currently states:

The property owner shall convey the ultimate **right-of-way** of S.R. 7, **140** feet west of the west right-of-way line of the Lake Worth **Drainage** District **E-1** Canal, within **90** days of approval; conveyance must be accepted by Palm Beach County prior to issuance of first building permit.

Is Completed. (LWDD's letter dated 2/7/2000 has confirmed that the above condition has been completed).

- 10. Condition 17 of Resolution R-84-63 of Petition 83-107 which currently slates:

The developer shall construct at the intersection of Clint Moore Road and S.R. 7 concurrent with the first plat a left turn lane, north approach and a left turn lane, south approach.

Is Completed.

11. The Property owners shall fund the following intersection improvements at Clint Moore Road and SR7 concurrent with the road widening of SR 7:
 - a) a left turn lane south approach on SR 7.
 - b) a left turn lane west approach on Clint Moore Road Extension at SR 7.
12. The property owners shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (ENG)

F. LANDSCAPING - STANDARD (APPLICABLE TO PBSO ONLY)

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: twelve (12) feet
 - b. Trunk diameter: 2.5 inches measured 3 feet above grade;
 - c. Canopy diameter: six (6) 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 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. A group of three (3) or more palm or pine trees may supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
4. Credit may be given for existing or relocated trees and native underslory provided they meet current ULDC standards pursuant to Section 7.3.E. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE NORTH AND NORTH 150 FEET OF WEST PROPERTY LINES (ABUTTING RESIDENTIAL) (APPLICABLE TO PBSO ONLY)

1. Landscaping and buffering along the north and north 150 feet of west property lines shall be upgraded to include:
 - a. A minimum thirty (30) foot wide landscape buffer strip;
 - b. A minimum four (4) foot high continuous berm measured from top of curb;
 - c. One (1) canopy tree planted every thirty (30) feet on center;
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet between clusters; and
 - c. Twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING SR7/US441)
(APPLICABLE TO PBSO ONLY)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip along the north 200 feet of the east property line, no width reduction of the buffer shall be permitted. A minimum ten (10) foot wide landscape buffer strip along the south 300 feet of the east property line;
 - b. A minimum two (2) foot high continuous berm measured from top of curb shall be installed along the north 200 feet of the east property line.
 - c. One (1) canopy tree planted every thirty (30) feet on center;
 - d. One (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
 - e. Twenty-four (24) inch high shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE SOUTH 310 FEET OF THE WEST PROPERTY LINE
(ACROSS FROM RESIDENTIAL) (APPLICABLE TO PBSO ONLY)

1. Landscaping and buffering along the south 310 feet of the west property line shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip excluding the access road;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
 - d. Thirty (30) 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. (CO: LANDSCAPE)

J. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ACROSS FROM PARK/LWDD CANAL) (APPLICABLE TO PBSO ONLY)

1. Landscaping and buffering along the south property line shall include:
 - a. A minimum twenty five (25) foot wide landscape buffer strip except where access road is ;
 - b. One (1) medium canopy tree planted every thirty (30) feet on center;
 - c. One (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
 - d. Thirty (30) 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 thirty six (36) inches. (CO: LANDSCAPE)

K. LANDSCAPING - INTERIOR (APPLICABLE TO PBSO ONLY)

1. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

L. LIGHTING (APPLICABLE TO PBSO ONLY)

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with Condition 1 above. (CO/ONGOING: BLDG/CODE ENF - Zoning)

M. PLANNING

1. The 3 acre "nursery/maintenance area" shall be used in a manner accessory only to this residential development and shall not be used for any commercial activity. (DRC/ONGOING-Planning)

N. SIGNS (APPLICABLE TO PBSO ONLY)

1. Freestanding point of purchase signs fronting on SR7/US441 shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. Maximum sign face area per side - 80 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

O. USE LIMITATIONS

1. Condition 13 of Resolution R-84-63 of Petition 83-107 which currently states:

The "Nursery/Maintenance" area shall be used in a manner accessory only to this development and shall not be used for any commercial activity. This area may be used for agricultural purposes consistent with providing open space and compatible with adjacent residential development.

Is hereby deleted. [Reason: Request by petitioner].

P. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule 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 any condition 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)