

RESOLUTION NO. R-2000- 1702

RESOLUTION APPROVING ZONING PETITION DOA88-058(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF PBC FD&O
BY ANNA COTTRELL, AGENT
(FIRE STATION 52)

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 DOA88-058(B)** was presented to the Board of County Commissioners at a public hearing conducted on October 26, 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 DOA88-058(B), the petition of PBC FD&O, by Anna Cottrell, agent, for a Development Order Amendment (DOA) to add land area 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 October 26, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

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

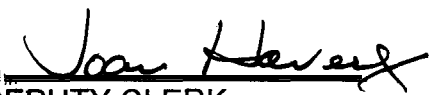
The Chair thereupon declared that the resolution was duly passed and adopted on October 26, 2000.

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

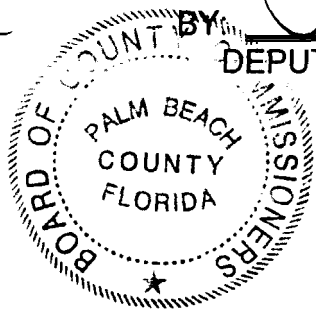


EXHIBIT A

LEGAL DESCRIPTION

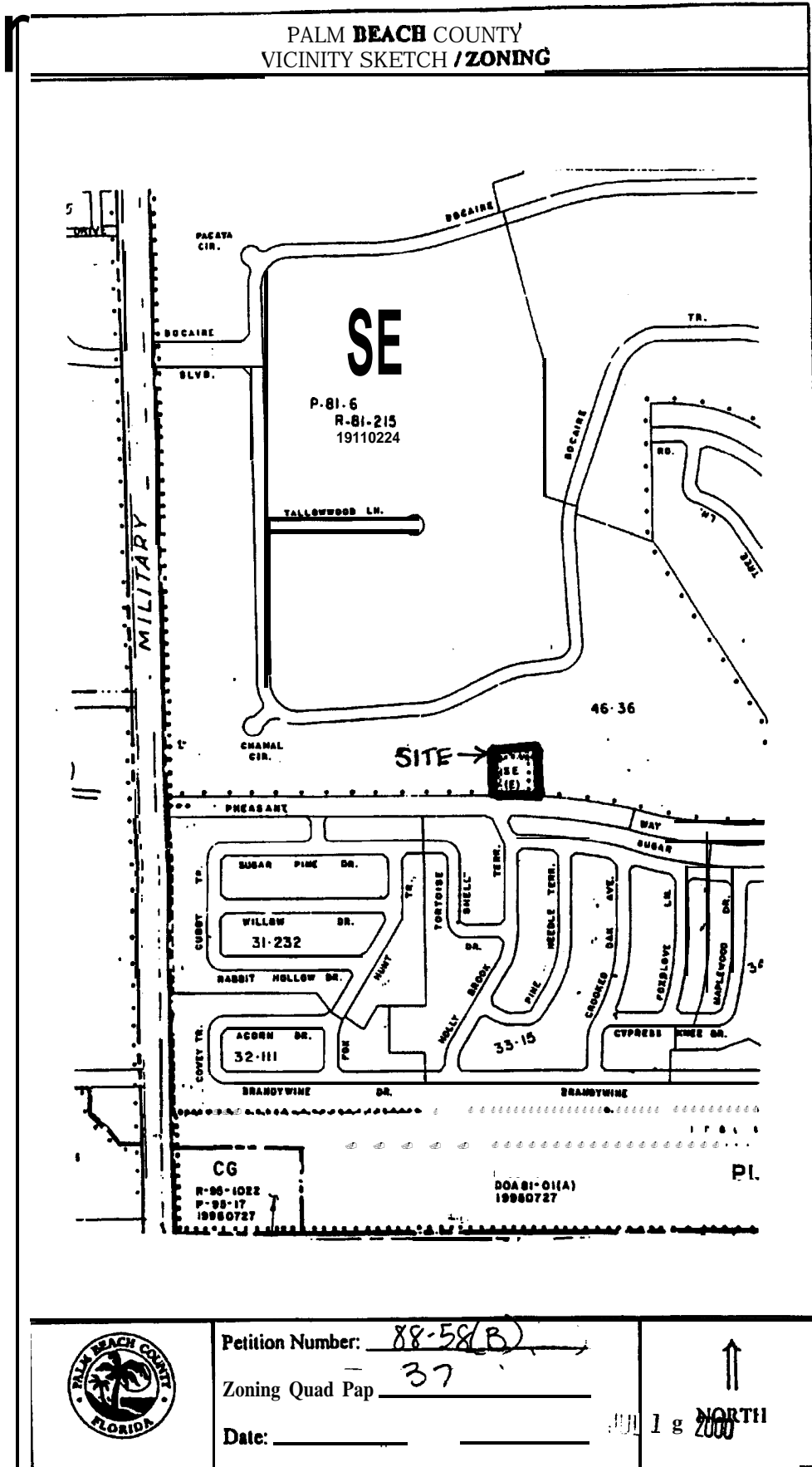
A PARCEL OF LAND LYING IN SECTION 36, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA BEING A PORTION OF SAID SECTION 36 AND A PORTION OF TRACT G, BOCAIRE GOLF CLUB NO. 3, RECORDED IN PLAT BOOK 49, PAGE 153, PUBLIC RECORDS OF SAID PALM BEACH COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT G, BOCAIRE GOLF CLUB NO. 3, RECORDED IN PLAT BOOK 49, PAGE 153, PUBLIC RECORDS OF SAID PALM BEACH COUNTY;
THENCE SOUTH 89° 40' 13" EAST, ALONG THE SOUTH LINE OF SAID TRACT G, A DISTANCE OF 91.82 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUE SOUTH 89°40'13" EAST ALONG SAID LINE, A DISTANCE OF 45.00 FEET TO THE BEGINNING OF CURVE, WHOSE RADIUS POINT BEARS SOUTH 0° 19' 47" WEST A DISTANCE OF 2400.00 FEET;
THENCE EAST ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 3° 04' 53", A DISTANCE OF 129.07 FEET TO A POINT ON A NON-TANGENT LINE;
THENCE NORTH 0° 00' 00" EAST, A DISTANCE OF 193.97 FEET (THE REMAINDER OF THE COURSES FOLLOW THE BOUNDARY OF SAID TRACT G AND ITS PROLONGATION);
THENCE NORTH 89° 40' 13" WEST, A DISTANCE OF 174.00 FEET;
THENCE SOUTH 0° 00' 00" EAST, A DISTANCE OF 190.50 FEET TO THE POINT OF BEGINNING.

CONTAINS: 0.764 ACRE, MORE OR LESS

EXHIBIT B

VICINITY SKETCH



Petition Number: 88-58(B)
 Zoning Quad Pap 37
 Date: _____

1 g NORTH
 2000

G:\COMMON\WPDATA\PROD\ZON-SKET.FRM

FILE COPY
88-058B

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-97-I 574 (Petition **Z/COZ88-058(A)**), 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. **To ensure compliance with the requirements of this approval, Resolution R-89-940 approving Petition 88-58 is hereby revoked.** (ZONING) (Previously Condition A.1 of Resolution R-97-1574, Petition **Z/COZ88-58(A)**)
3. Condition A.2 of Resolution R-97-I 574, Petition **Z/COZ88-58(A)** which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated June 18, 1997. 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)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated August 23, 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)

B. ARCHITECTURAL CONTROL

1. **All buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas.** (BLDG PERMIT: BLDG-Zoning) (Previously Condition B. 1 of Resolution R-97-I 574, Petition **Z/COZ88-58(A)**)

C. BUILDING AND SITE DESIGN

1. **The maximum height for all structures, measured from finished grade to highest point, shall not exceed Thirty (30) feet.** (BLDG PERMIT: BLDG - Zoning) (Previously Condition C.1 of Resolution R-97-I 574, Petition **Z/COZ88-58(A)**)

2. **All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (CO: BLDG - Zoning) (Previously Condition C.2 of Resolution R-97-I 574, Petition Z/COZ88-58(A))**

D. DUMPSTER

1. **All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within twenty five (25) feet of the residential property lines. (DRC / ONGOING: ZONING / CODE ENF) (Previously Condition D.I of Resolution R-97-I 574, Petition Z/COZ88-58(A))**

E. ENGINEERING

1. On or before October 1, 2001 the property shall be platted in accordance with the provisions of Article 8 of the ULDC. (DATE: MONITORING-Eng)

F. LANDSCAPING - STANDARD

1. **All canopy 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.**
- d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previously Condition F. 1 of Resolution R-97-I 574, Petition Z/COZ88-58(A))**

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 or grey wood, whichever is greater;**
- 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) (Previously Condition F.2 of Resolution R-97-I 574, Petition Z/COZ88-58(A))**

G. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING PHEASANTWAY)

1. **Landscaping and buffering along the above property line shall include:**
 - a. **A minimum ten (10) foot wide landscape buffer strip; and**
 - b. **A six (6) foot high black, vinyl-coated chain link fence; and**

The following landscaping requirements shall be installed on the exterior side of the required fence:

- a. One (1) canopy tree planted every thirty (30) feet on center;
- b. 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; and
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE) (Previously Condition G. 1 of Resolution R-97-I 574, Petition Z/COZ88-58(A))

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 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) (Previously Condition H.I of Resolution R-97-I 574, Petition Z/COZ88-58(A))