

RESOLUTION NO. R-2001- 1347

RESOLUTION APPROVING ZONING PETITION Z/COZ2001-023
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF VINCENZO LOGRASSO
BY ROBERT BASEHART, AGENT
(LAUNDRY TIME)

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 Z/COZ2001-023 was presented to the Board of County Commissioners at a public hearing conducted on August 23, 2001; 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) with approved conditions 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) with approved conditions 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) with approved conditions 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, as amended; 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 Z/COZ2001-023, the petition of Vincenzo Lograsso by Robert Basehart, agent, for an Official Zoning Map Amendment (Z) from Neighborhood Commercial (CN) to General Commercial (CG) with a Conditional Overlay Zone (COZ) 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 August 23, 2001, subject to the conditions of the Conditional Overlay Zone (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie L. Greene	-	Aye


The Chair thereupon declared that the resolution was duly passed and adopted on August 23, 2001.

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

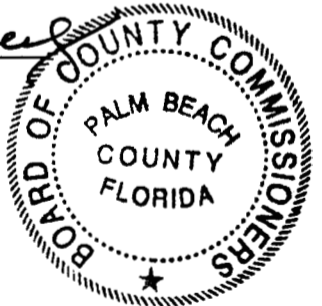


EXHIBIT A
LEGAL DESCRIPTION

LOTS 1 AND 2, BLOCK 3, LESS THAT PORTION LYING NORTH OF THE PROPOSED SOUTH RIGHT-OF-WAY LINE AS SHOWN ON THE RIGHT-OF-WAY MAP OF LAKE WORTH ROAD AS RECORDED IN ROAD BOOK 5, PAGES 125 THROUGH 138, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LOTS 3 AND 4, BLOCK 3, GREENACRES PLAT NO. 1, A SUBDIVISION OF PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR SAID COUNTY, IN PLAT BOOK 12, PAGE 72.

THE ABOVE DESCRIBED PARCEL CONTAINS 18,504 SQUARE FEET, MORE OR LESS.

**EXHIBIT B
VICINITY SKETCH**

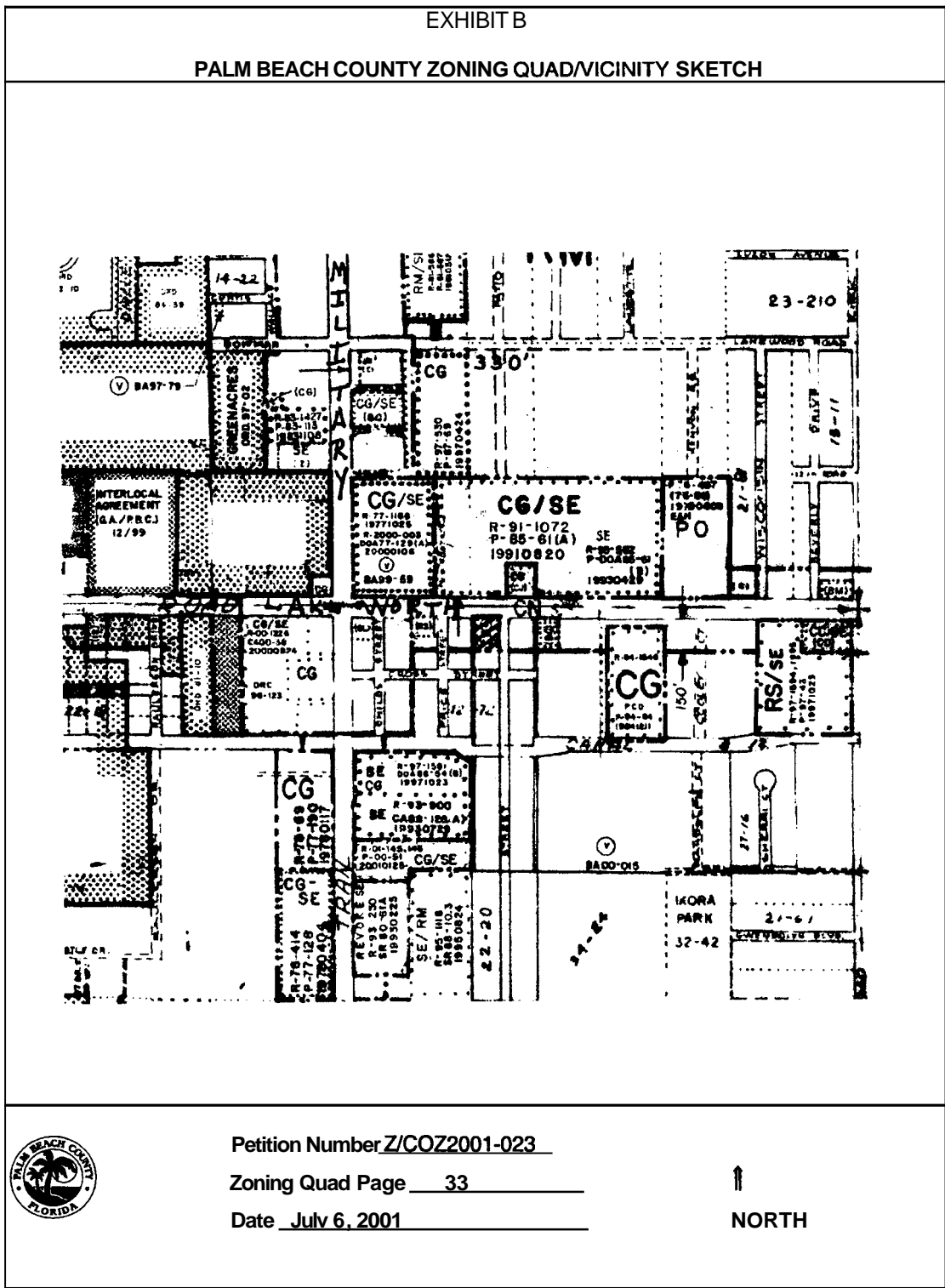


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 May 24, 2001. 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. The proposed retail building shall be designed and constructed to be generally consistent with the facade elevations by James G. Centanni dated June 18, 2001. Deviations from these elevations may be permitted to comply with applicable architectural conditions of approval. (BLDG PERMIT: BLDG - Zoning)
2. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. The proposed Architectural elevations shall be consistent with the Architectural Design Guidelines Ordinance adopted by the Board of County Commissioners on July 24, 2001. (BLDG PERMIT: BLDG - Zoning)
3. Prior to final DRC Certification of the site plan, the petitioner shall show that the proposed development complies with all Lake Worth Road Commercial Corridor Overlay regulations. (DRC: BLDG PERMIT - Zoning/Planning)
4. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed twenty-five (25) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
5. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review and approval. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 3,500 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 and DRC. (DRC: ZONING)
2. The minimum setback for all structures shall be limited to the following:

north property line - seventeen (17) feet, excluding the corner clip;
south property line - fifty (50) feet; and,
east and west property lines - eleven and one half (11.5) feet.
(DRC: ZONING)
3. All roof or ground mounted air conditioning, mechanical equipment and 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)

D. HEALTH

1. 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: HEALTH/CODE ENF)

E. ENGINEERING

No Engineering Conditions of Approval.

F. LANDSCAPING - STANDARD

1. Fifty percent (50%) of canopy trees required to be planted in the perimeter buffer 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)
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) (CO: LANDSCAPE - Zoning)
3. All shrub or hedge material shall be planted in a hierarchy of layers consisting of a minimum of two (2) varying heights as follows:

twenty-four (24) inches – small shrub;
twenty-four (24) to forty-eight (48) inches – medium shrub; and,
forty-eight (48) to sixty (60) inches – high shrub

These heights shall be continuously maintained to achieve the hierarchical effect. (CO: LANDSCAPE - Zoning)
4. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE NORTH PROPERTY LINE (LAKE WORTH ROAD)

1. Landscaping and buffering along the north property line shall include:
 - a. a minimum seventeen (17) foot wide landscape buffer strip, except for corner clip. No width reduction or underground easement encroachment shall be permitted;
 - b. one (1) canopy tree planted each thirty (30) linear feet of the frontage;

- c. one (1) palm or pine tree for each thirty (30) linear feet of the frontage with a maximum spacing of sixty (60) feet between clusters;
- d. one (1) small shrub for each two (2) linear feet of frontage. Shrub shall be twenty-four (24) inches high at installation.
- e. one (1) medium/large shrub for each four (4) linear feet of frontage. Shrub shall be thirty (30) inches high at installation. (CO: LANDSCAPE)

H. LANDSCAPING ALONG SOUTH PROPERTY LINE

- 1. Landscaping and buffering along the south property line shall include:
 - a. a minimum ten (10) foot wide landscape buffer strip. No width reduction or underground-easement encroachment shall be permitted;
 - b. one (1) canopy tree for each twenty (20) feet of the property line;
 - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - d. one (1) small shrub for each two (2) linear feet of frontage. Shrub shall be twenty-four (24) inches high at installation.
 - e. one (1) medium/large shrub for each four (4) linear feet of frontage. Shrub shall be thirty (30) inches high at installation. (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE EAST PROPERTY LINE (URQUHART STREET)

- 1. Landscaping and buffering along the east property line shall include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip, excluding corner clip. No width reduction or underground easement encroachment shall be permitted;
 - b. one (1) canopy tree planted every thirty (30) feet on center
 - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - d. one (1) small shrub for each two (2) linear feet of frontage. Shrub shall be twenty-four (24) inches high at installation.
 - e. one (1) medium/large shrub for each four (4) linear feet of frontage. Shrub shall be thirty (30) inches high at installation. (CO: LANDSCAPE)

J. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the west property line shall include:
 - a. a minimum seven and one half (7.5) foot wide landscape buffer strip, except for corner clip. No width reduction or underground easement encroachment shall be permitted;
 - b. one (1) canopy tree planted every twenty (20) feet on center;
 - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - d. one (1) small shrub for each two (2) linear feet of frontage. Shrub shall be twenty-four (24) inches high at installation.
 - e. one (1) medium/large shrub for each four (4) linear feet of frontage. Shrub shall be thirty (30) inches high at installation. (CO: LANDSCAPE)

K. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, 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 thirty (30) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

L. PARKING

1. Parking or loading shall not be permitted within the front setback of the north property line. (DRC / ONGOING: ZONING / CODE ENF)

M. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the site plan shall provide for pedestrian pathways (decorative sidewalks) as indicated on the site plan dated May 24,2001. These decorative pedestrian pathway areas are to be constructed of decorative pavers, or similar pavement treatment as allowed in the Lake Worth Corridor Overlay, to clearly indicate that the pathway is intended for pedestrians and shall be located at specified locations as shown on the site plan dated May 24,2001. (DRC: PLANNING)
2. Prior to final site plan approval by the Development Review Committee, the notation at the western property line which currently reads "future cross access to commercial" shall be amended to read "proposed vehicular cross access to be paved to the property line for future access to adjacent parcel". (DRC: PLANNING-Planning)
3. Prior to the issuance of the first certificate of occupancy, the petitioner shall pave the property to the edge of the western property line at the location shown on the site plan which reads "proposed vehicular cross access to be paved to the property line for future access to adjacent parcel". (CO: MONITORING-BUILDING-Planning)

N. SIGNS

1. Freestanding point of purchase signs shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point – eight (8) feet;
 - b. Maximum sign face area per side - 80 square feet;
 - c. Maximum number of signs - one (1) for the overall site; and
 - d. Style - monument style only; and,
 - e. Location – Lake Worth Road. (CO: BLDG)

2. Wall signs shall be limited to the north and east facades of the building, and lettering size shall be limited to eighteen (18) inches high. (CO: BLDG)

O. 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 Code Enforcement Special Master 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)