

RESOLUTION NO. R-2001-1351

RESOLUTION APPROVING ZONING PETITION CA2000-096
CLASS A CONDITIONAL USE
PETITION OF PBC BCC FD&O
BY JIM BARNES, AGENT
(EAST CENTRAL REGIONAL GOVERNMENTAL CENTER)

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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A 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 CA2000-096 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 recommendations of the Zoning Commission; 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 (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A 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 A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 Class A 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 A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A 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 A 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 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 CA2000-096, the petition of PBC BCC FD&O, by Jim Barnes, agent, for a Class A Conditional Use (CA) to exceed 100,000 square feet in the Public Ownership (PO) Zoning District, 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 23, 2001, subject to the conditions of approval 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

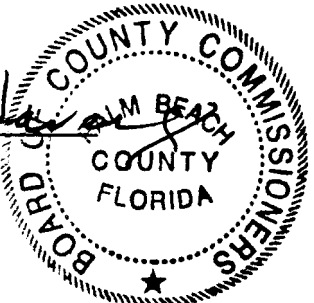


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 0° 05' 28" EAST, ALONG THE EAST LINE OF SAID SECTION 32 A DISTANCE OF 100.06 FEET; THENCE NORTH 87° 53' 48" WEST, A DISTANCE OF 100.06 FEET; THENCE NORTH 0° 05' 28" EAST, A DISTANCE OF 85.00 FEET TO A POINT ON THE LIMITED ACCESS RIGHT-OF-WAY LINE RECORDED IN OFFICIAL RECORD BOOK 2112, PAGE 1709 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE SOUTH 84° 53' 05" WEST, A DISTANCE OF 676.04 FEET; THENCE NORTH 87° 53' 48" WEST, A DISTANCE OF 554.65 FEET TO THE BEGINNING OF A CURVE WHOSE RADIUS POINT BEARS NORTH 2° 06' 12" EAST, A DISTANCE OF 302.06 FEET; THENCE NORTHWEST ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 75° 00' 00" A DISTANCE OF 395.40 FEET; THENCE NORTH 12° 53' 48" WEST, A DISTANCE OF 229.89 FEET TO THE BEGINNING OF A CURVE WHOSE RADIUS POINT BEARS NORTH 77° 06' 12" EAST, A DISTANCE OF 240.00 FEET; THENCE NORTHEAST ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 71° 44' 08" A DISTANCE OF 300.49 FEET TO THE POINT OF CURVATURE OF A REVERSE CURVE, WHOSE RADIUS POINT BEARS NORTH 31° 09' 40" WEST, A DISTANCE OF 1444.35 FEET; THENCE NORTHEAST ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 44° 40' 41", A DISTANCE OF 1126.27 FEET; THENCE SOUTH 78° 01' 17" EAST, A DISTANCE OF 80.00 FEET; THENCE SOUTH 8° 00' 00" EAST, A DISTANCE OF 132.00 FEET; THENCE SOUTH 68° 00' 00" EAST, A DISTANCE OF 205.00 FEET; THENCE SOUTH 48° 05' 00" EAST, A DISTANCE OF 170.00 FEET; THENCE SOUTH 78° 17' 00" EAST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 07° 30' 00" WEST, A DISTANCE OF 210.00 FEET; THENCE SOUTH 67° 00' 00" EAST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 14° 00' 00" WEST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 40° 00' 00" EAST, A DISTANCE OF 90.00 FEET; THENCE SOUTH 35° 00' 00" WEST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 00° 00' 00" EAST, A DISTANCE OF 155.00 FEET; THENCE NORTH 90° 00' 00" EAST, A DISTANCE OF 155.00 FEET; THENCE SOUTH 0° 00' 00" EAST, A DISTANCE OF 235.00 FEET; THENCE SOUTH 29° 54' 32" EAST, A DISTANCE OF 300.00 FEET; THENCE SOUTH 00° 05' 28" WEST, A DISTANCE OF 179.50 FEET TO THE POINT OF BEGINNING.

CONTAINS; 35.813 ACRES (1, 560, 015 SQUARE FEET), MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

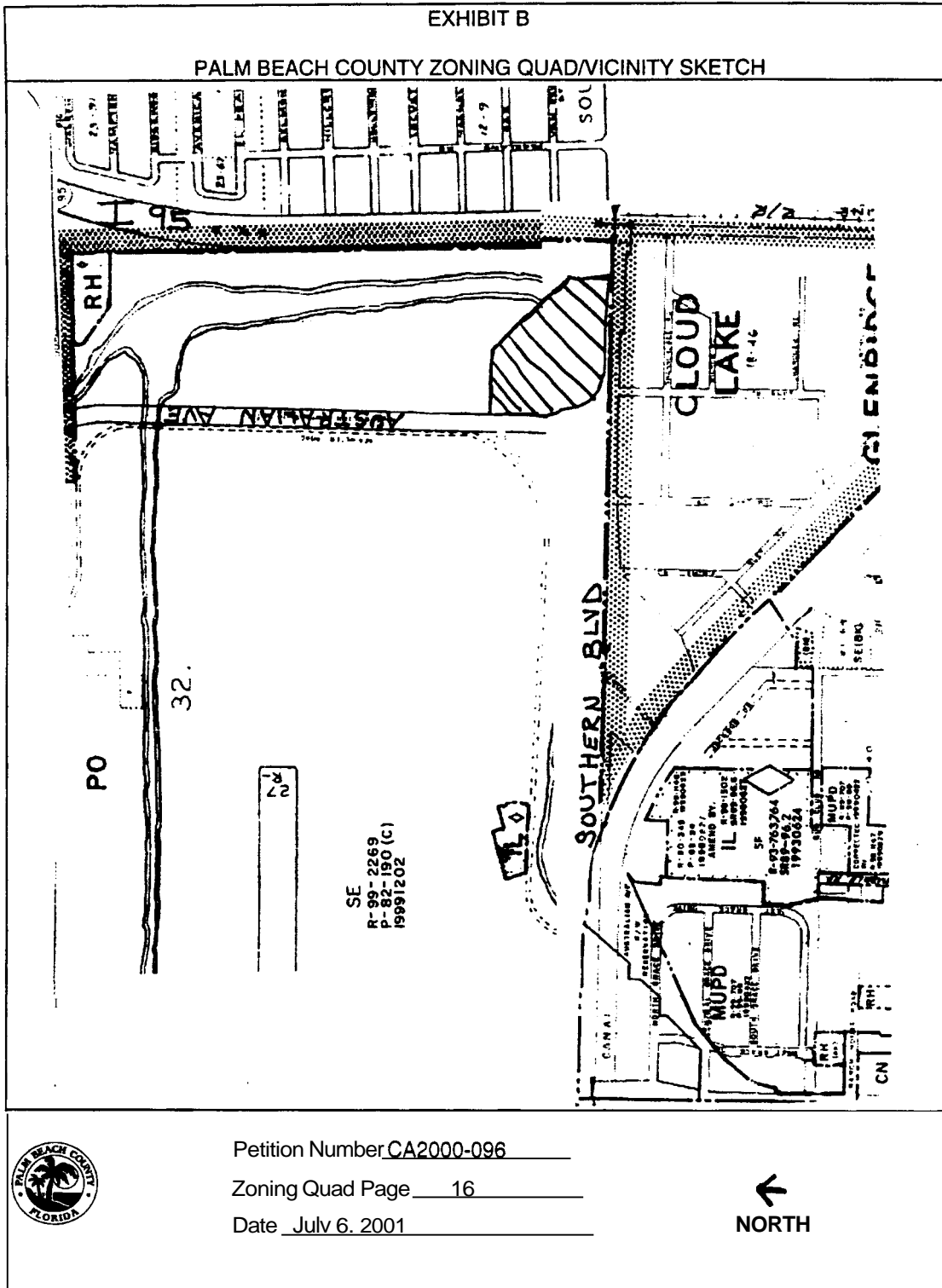


EXHIBIT C

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 June 27, 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. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review and approval. **The** proposed architectural treatments shall be consistent with the Architectural Design Guidelines approved by the Board of County Commissioners on April 24, 2001. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. Prior to final DRC certification, the petitioner shall revise the site plan to indicate the following site amenities between the proposed office building and the parking garage;
 - a. Covered pedestrian walkway,
 - b. Outdoor patio, courtyard or plaza,
 - c. Seating area to consist of tables, benches and trash receptacles. (DRC: BLDG PERMIT - Zoning)

D. LANDSCAPING - STANDARDS

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)

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 trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
5. 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)

E. ENGINEERING

No New Engineering Conditions of approval.

F. LANDSCAPING ALONG RIGHT OF WAY FRONTAGES (ADJACENT TO SOUTHERN BOULEVARD AND AUSTRALIAN AVENUE)

1. Landscaping and buffering along the right of way frontages shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip.
 - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet 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 thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. double row of shrub or hedge material to be installed in accordance with Condition C.3 to and maintained in the hierarchy of heights. (CO/ONGOING: LANDSCAPE/CODE ENF)

G. LANDSCAPING - INTERIOR

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 eight (8) 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)

H. MASS TRANSIT

1. Prior to final certification of the site plan by the Development Review Committee, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the County Engineer. (DRC: ZONING - Eng)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to Palm Tran and the County Engineer prior to issuance of the certificate of occupancy for the proposed office building. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. (CO: ZONING - Eng)

I. PLANNING

1. The petitioner shall agree to the County's undertaking a corrective land use amendment to Commercial High Office (CH-O) and rezoning of the site's PO Zoning to any zoning district that is consistent with the CH-O future land use designation. (ONGOING: Zoning-Planning)

J. 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)