

RESOLUTIONR-2001- 1359

RESOLUTION CORRECTING RESOLUTION R-2001-0980
RESOLUTION APPROVING ZONING PETITION OF COSTCO WHOLESALE CORP
COSTCO A.K.A. APPLES & ORANGES
PETITION DOAI995-063(B)

WHEREAS, Costco Wholesale Corp, petitioned the Palm Beach County Board of County Commissioners on June 25, 2001 for a Development Order Amendment (DOA) to designate land uses, reconfigure site plan and amend conditions of approval; and

WHEREAS, Resolution R-2001-0980, adopted on June 25, 2001 confirming the action of the Board of County Commissioners inadvertently contained errors in Conditions C.2, G.3.d, H.3, 1.2, J.6 and K.3 of Exhibit C; and

WHEREAS, Conditions C.2, G.3.d, H.3, 1.2, J.6 and K.3 of Exhibit C of Resolution R-2001-0980 should have read as follows:

- c2. Condition B.2 of Resolution R-98-0873, Petition DOA95-63(A) which currently states:

A maximum of three (3) out-parcels shall be permitted on-site. A maximum of one (1) out-parcel may have vehicular circulation on all four (4) sides.

Is hereby amended to read:

Only one (1) out-parcel shall be permitted on-site and limited to a maximum 5,860 sq. ft. bank with ~~one~~ two drive thru lanes and one ATM lane. (DRC: BLDG - Zoning)

- G.3. Condition 0.3 of Resolution R-98-0873, Petition DOA95-63(A) which currently states:

Landscaping on Congress Avenue (exclusive of preserve and/or vegetation relocation receiving zones) shall consist of the following:

- a. Total quantity of trees shall average one tree per 200 square feet of buffer area.
- b. The total quantity of required trees under Table 6.8-3 of the ULDC (one tree per 300 sq. ft. of buffer area shall comply with the following minimum tree height and canopy requirements:
 - i) Fifty (50) percent twelve (12) foot high with six (6) foot canopy;
 - ii) Forty (40) percent fourteen (14) foot high with seven foot (7) foot canopy; and
 - iii) Ten (10) percent sixteen (16) foot high with eight (8) foot canopy.

- c. Remainder of trees provided shall be a minimum ten **(10)** foot high with four **(4)** foot canopy to allow flexibility in the proposed Alternative Landscape Betterment Plan. Palms may be substituted as permitted per ULDC requirements.
- d. Minimum twenty **(20)** foot width. (LANDSCAPE-Zoning)

Is hereby amended to read:

Landscaping on Congress Avenue (exclusive of preserve and/or vegetation relocation receiving zones) shall consist of the following:

- a. Total quantity of trees shall average one tree per 200 square feet of buffer area.
- b. The total quantity of required trees under Table 6.8-3 of the ULDC (one tree per 300 sq. ft. of buffer area shall comply with the following minimum tree height and canopy requirements:
 - i) Fifty ~~(50)~~ percent twelve (12) foot high with six (6) foot canopy;
 - ii) Forty (40) percent fourteen **(14)** foot high with seven foot (7) foot canopy; and
 - iii) Ten (10) percent sixteen (16) foot high with eight (8) foot canopy.
- c. Remainder of trees provided shall be a minimum ten (10) foot high with four **(4)** foot canopy to allow flexibility in the proposed Kilday & Associates Conceptual Landscape Plan dated May 29, 2001. Palms may be substituted as permitted per ULDC requirements.
- d. Minimum ~~fifty (50)~~ fortv-five (45) foot buffer width to include a five (5) foot overlap in the existing ten (10) foot utility easement. The overall fifty(50) foot dimension will ~~with~~ include a six (6) foot high continuous berm except where the berm height may be varied as required by FPL guidelines. (LANDSCAPE-Zoning)

- H.3. Condition F.3 of Resolution R-98-0873, Petition DOA95-63(A)) which currently states:

All outdoor lighting shall be extinguished no later than **12:00 p.m.**, excluding security lighting only. (ONGOING: CODE ENF)

Is hereby amended to read:

All outdoor lighting shall be extinguished no later than 12:00 a.m., excluding security lighting only. (ONGOING: CODE ENF)

- 1.2. Condition G.2 of Resolution R-98-0873, Petition DOA95-63(A) which currently states:

Total gross floor area shall be limited to a maximum of **246,900** square feet and construction may be implemented by Developer in two phases.

Phase-I development shall consist of construction of an unmanned, remote **"ATM"** banking facility in a **1.37 +/-** acre area along with associated landscaping, paving and **signage** as identified on the Preliminary Development Plan as set forth on exhibits identified as the

Boca Congress Center Master Plan and Site Plan, as last revised by Winston Lee & Associates on June 15, 1998. (DRC: ZONING)

Phase-I development activities, as referenced in the previous paragraph, shall constitute the initial, but not necessarily the ultimate, construction improvements within the Phase-I area, and shall include:

- a. Construction and landscaping of the perimeter berm along Congress Avenue conforming to previous approvals and limited to an area extending from the south side of the entrance drive to the north boundary of the FPL Easement Area;
- b. Compliance with requirements of the previous County Environmental Resource Management approvals to the minimum extent necessary to complete Phase-I development;
- c. Easements as may be required, both within and outside the Phase-I area, to provide for public utility improvements and/or drainage facilities; and,
- d. No water or sewer service requirements since Phase-I facilities will not be manned.

Developer shall within fifteen (15) days of County's amendment of Development Order conditions apply for, and DRC shall thereafter expeditiously process final certification of exhibits identified as the Boca Congress Center Master Plan and Site Plan, as last revised by Winston Lee & Associates on June 15, 1998, reflecting the proposed Phase-I development activities. The Phase-I ATM shall be operational no later than March 31, 1999, and shall remain operational until replaced by any future development.

Developer shall have three years in which to commence development of a subsequent phase or phases of Project development following the first building inspection of Phase-I as set forth in Section 5.8, Table 5.8-1, Planned Development District: Non-Planned Unit Development. (DRC/DATE: ZONING/MONITORING - Code Enf/Zoning)

It is hereby amended to read:

~~Total gross floor area shall be limited to a maximum of 156,523 square feet and construction may be implemented by Developer in two phases. Phase-I development shall consist of construction of an unmanned, remote "ATM" banking facility in a 1.37 +/- acre area along with associated landscaping, paving and signage as identified on the Preliminary Development Plan as set forth on exhibits identified as the Boca Congress Center Master Plan and Site Plan, as last revised by Kilday & Associates on May 29, 2001. (DRC: ZONING)~~

~~Phase 1 development activities, as referenced in the previous paragraph, shall constitute the initial, but not necessarily the ultimate, construction improvements within the Phase I area, and shall include:~~

- ~~a. Construction and landscaping of the perimeter berm along Congress Avenue conforming to previous approvals and limited to an area extending from the south side of the entrance drive to the north boundary of the FPL Easement Area;~~

- ~~b. Compliance with requirements of the previous County Environmental Resource Management approvals to the minimum extent necessary to complete Phase I development;~~
- ~~c. Easements as may be required, both within and outside the Phase I area, to provide for public utility improvements and/or drainage facilities; and,~~
- ~~d. No water or sewer service requirements since Phase I facilities will not be manned.~~

~~Developer shall within fifteen (15) days of County's amendment of Development Order conditions apply for, and DRC shall thereafter expeditiously process final certification of exhibits identified as the Boca Congress Center Master Plan and Site Plan, as last revised by Kilday & Associates on May 29, 2001, reflecting the proposed Phase I development activities. The Phase I ATM shall be operational no later than March 31, 1999, and shall remain operational until replaced by any future development.~~

~~Developer shall have three years in which to commence development of a subsequent phase or phases of Project development following the first building inspection of Phase I as set forth in Section 5.8, Table 5.8-1, Planned Development District: Non-Planned Unit Development. (DRC/DATE: ZONING/MONITORING Code Enf/Zoning) [REASON: Phase I ATM already constructed.]~~

Total gross floor area shall be limited to a maximum of 156,523 square foot retail center and 5,860 square foot bank, with two (2) drive-thru lanes and one (1) ATM lane, as delineated on the Boca Congress Center Master Plan and Site Plan, as last revised by Kilday and Associates on May 29, 2001. The Site Plan shall expire pursuant to the provisions of Article 5, Section 5.8, of the ULDC.

- J.6, ~~No wall signs permitted.~~ All proposed wall signage shall be subject to review and approval by the Boca Raton Community Appearance Board. (BLDG PERMIT: BLDG-Zoning)
- K.3 Prior to final site plan approval, the Petitioner shall record a deed restriction on the subject property, as approved by the Zoning Division and The County Attorney's office. The deed restriction shall be enforceable by the Boca Golf and Tennis Property Owners Association and shall not be amended without their written consent. The deed restriction shall limit the uses and ~~any~~ vertical design structure to the plan approved by the Board of County Commissioners, as amended by the final approved site plan. The deed restriction shall provide that no gas station shall be permitted on the property, nor shall there be cross access of any existing or future adjacent gas stations. (DRC: Zoning/Co Att)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Conditions C.2, G.3.d, H.3, 12, J.6 and K.3 of Exhibit C of Resolution R-2001-0980 are hereby corrected.

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 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

