

RESOLUTION NO. R-2001-1858

RESOLUTION APPROVING ZONING PETITION PDD2001-030
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF AUGUST URBANEK, TRUSTEE
BY LAND DESIGN SOUTH, AGENT
(URBANEK PROPERTIES)

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 PDD2001-030 was presented to the Board of County Commissioners at a public hearing conducted on October 25, 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; and,
7. This official zoning map amendment (rezoning) with approved conditions 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 PDD2001-030, the petition of August Urbanek, Trustee by Land Design South, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) from Residential High Density (RH) to Multiple Use Planned Development (MUPD) with office/warehouse and woodworking or cabinet making 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 October 25, 2001, 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 McCarty and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 25, 2001.

Filed with the Clerk of the Board of County Commissioners on 25 day of October, 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

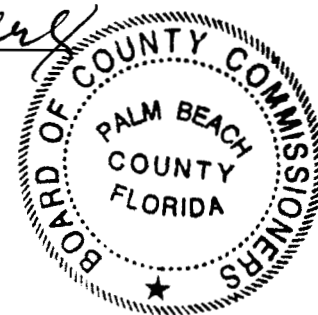


EXHIBIT A

LEGAL DESCRIPTION

ALL THAT PORTION OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF WESTGATE AVENUE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 25; THENCE S. 1 33'35"W., ALONG THE EAST LINE OF SAID SECTION 25, A DISTANCE OF 1292.19 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF WESTGATE AVENUE AS SHOWN ON ROAD PLAT BOOK 2, PAGE 205, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND FURTHER AMENDED IN OFFICIAL RECORD BOOK 9484, PAGE 622, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N. 88 51'13"W., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 6.57 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTH WITH A CENTRAL ANGLE OF 12 33'16" AND A RADIUS OF 2059.93 FEET; THENCE WEST ALONG THE ARC OF SAID CURVE, A DISTANCE OF 451.37 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF QUAIL DRIVE AS DESCRIBED IN OFFICIAL RECORD BOOK 10601, PAGE 858; THENCE S. 40 03'31"W., ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 31.15 FEET; THENCE S. 1 31'32"W., ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 148.52 FEET TO A POINT ON A CURVE CONCAVE TO THE WEST WITH A CENTRAL ANGLE OF 12 16'08" AND A RADIUS OF 210.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 44.97 FEET TO A POINT ON A LINE 136.0 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTH HALF (N. 1/2) OF THE NORTHEAST QUARTER (N.E. 1/4) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF THE NORTHEAST QUARTER (N.E. 1/4) OF SAID SECTION 25; THENCE S. 89 02'37"E., ALONG SAID PARALLEL LINE, A DISTANCE OF 428.06 FEET TO A POINT ON A LINE 50.0 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 25; THENCE S. 1 33'35"W., A DISTANCE OF 36.00 FEET TO A POINT ON A LINE 100.0 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTH HALF (N. 1/2) OF THE NORTHEAST QUARTER (N.E. 1/4) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF THE NORTHEAST QUARTER (N.E. 1/4) OF SAID SECTION 25; THENCE S. 89 02'37"E., A DISTANCE OF 50.00 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 25; THENCE N. 1 33'35"E., A DISTANCE OF 301.02 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

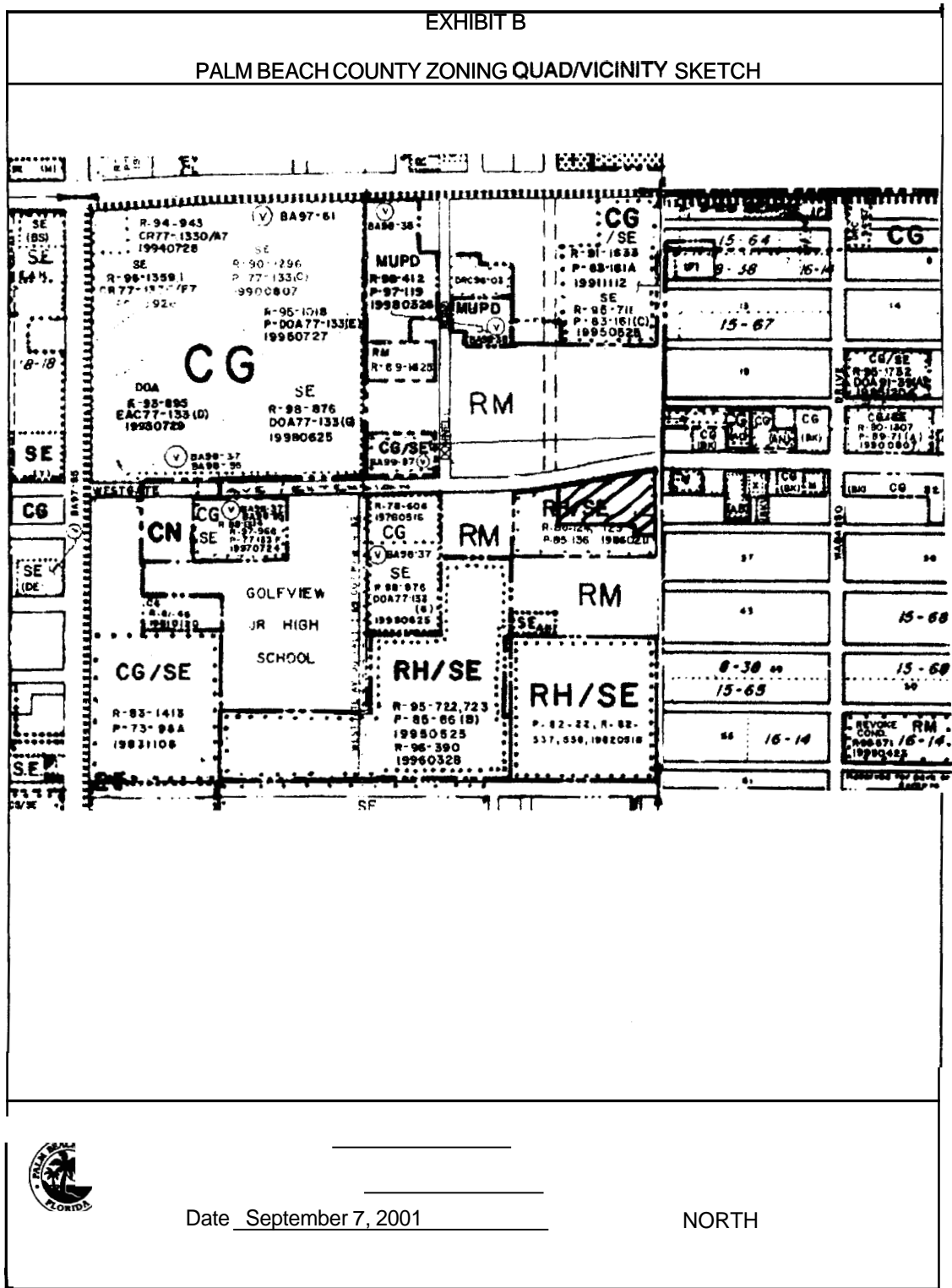


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the mixed retail and/or office warehouse woodworking/cabinet making uses as approved by the Board of County Commissioners. The approved site plan is dated August 23, 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. 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. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Architectural Review Section of the Zoning Division. Elevations shall be designed to be consistent with the Architectural Design Guidelines adopted by the BCC on July 24, 2001. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet for a **two** story building, and twenty-five (25) feet for a one story building. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. Should the building is utilized for an office warehouse with woodworking/cabinet making, baydoors may be permitted only on the south facade of the building. (BLDG PERMIT: BLDG - 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. CONCURRENCY

1. Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to 28,000 square feet of retail. (DRC: ZONING)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Westgate Avenue at the project's entrance road. This right-of-way shall be a minimum of 75 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. The property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section

to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING-Eng)

2. The Property owner shall construct a right turn lane west approach on Westgate Avenue at the project's entrance road.
 - A) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

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 three (3) varying heights as follows:

eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
twenty-four (24) to thirty-six (36) inches – medium shrub; and,
forty-eight (48) to seventy-two (72) inches – large 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)

G. LANDSCAPING - INTERIOR

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)

H. LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES
(WESTGATE AVENUE AND QUAIL DRIVE FRONTAGES)

1. Landscaping and buffering along the north and west property lines 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 for each thirty (30) linear feet of the property line;
 - 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;
 - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - f. one (1) large/medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip; and
 - b. a six (6) foot high black vinyl coated chain link fence. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
 - b. 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,
 - c. twenty-four (24) 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)
3. Along the interior side of the required fence, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

J. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip;
 - b. one (1) canopy tree planted for each thirty (30) linear 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 the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,

- e. one (1) large or medium shrub for each four **(4)** linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, and shall be maintained at a minimum height of seventy-two (72) inches. (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 twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor lighting shall be extinguished no later than 11:30p.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. SIGNS

- 1. Freestanding point of purchase and/or project identification sign allowed only on Westgate Avenue and 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 - eighty (80) square feet;
 - c. maximum number of signs - one (1); and
 - d. style - monument style only. (CO: BLDG)
- 2. Wall signs shall be limited to north facade of the building and shall be limited to eighteen (18) inches high. (CO: BLDG)

M. USE LIMITATION

- 1. Retail business activity shall not be allowed on site, including deliveries, prior to 7:00 a.m. nor continue later than 11:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
- 2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)
- 3. Repair or maintenance of vehicles shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
- 4. Outdoor retail business activities shall not be allowed on site, excluding deliveries only. (ONGOING: CODE ENF - Zoning)
- 5. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space located in the southern portion of the property. (ONGOING: CODE ENF)

N. 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)