

RESOLUTION NO. R-2002-0300

RESOLUTION APPROVING ZONING PETITION Z/COZ2001-051
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF SOUTHERN DEVELOPMENT SERVICES
BY KILDAY & ASSOCIATES, AGENT
(MILITARY PURDY REZONING)

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/COZ2001-051 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 2002; 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, contingent upon the approval of Small Scale Development Amendment No. 02-SCA 71 COM 2.
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/COZ2001-051, the petition of Southern Development Services by Kilday & Associates, agent, for an Official Zoning Map Amendment with a Conditional Overlay Zone rezoning from the Residential Medium Density to the General Commercial Zoning District 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 February 28, 2002, subject to the conditions of The Conditional Overlay Zone (COZ) 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	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie L. Greene	-	Absent

The Chair thereupon declared that this resolution shall not become effective until Small Scale Development Amendment No. 02-SCA 71 COM 2 (MILITARY TRAIL/PURDY LANE) is effective.

Filed with the Clerk of the Board of County Commissioners on 12 day of March, 2002

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

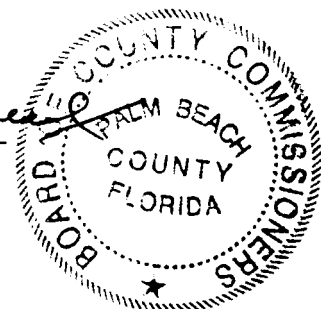


EXHIBIT A

LEGAL DESCRIPTION

THE WEST 90 FEET OF LOTS 1 TO 3, BOTH INCLUSIVE, IN BLOCK 2; THE WEST 143 FEET OF THE EAST 170 FEET OF LOT 2, IN BLOCK 2; THE WEST 143 FEET OF THE EAST 170 FEET OF LOT 3, IN BLOCK 2; AND LOT 11, IN BLOCK 2, LESS ROAD RIGHT-OF-WAY ALL IN "BUSH & MOHNEY'S ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 49, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

LOTS 5 AND 6, IN BLOCK 2, LESS THE EAST 20 FEET FOR ROAD RIGHT-OF-WAY, OF "BUSH & MOHNEY'S ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 49, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

LOT 4, IN BLOCK 2, OF "BUSH & MOHNEY'S ADDITION", LESS THE EAST 20 FEET FOR ROAD RIGHT-OF-WAY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 49, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTH ONE-HALF OF LOT 18, IN BLOCK 2, OF "BUSH & MOHNEY'S ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 49, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 129,450 SQUARE FEET / 2.97 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

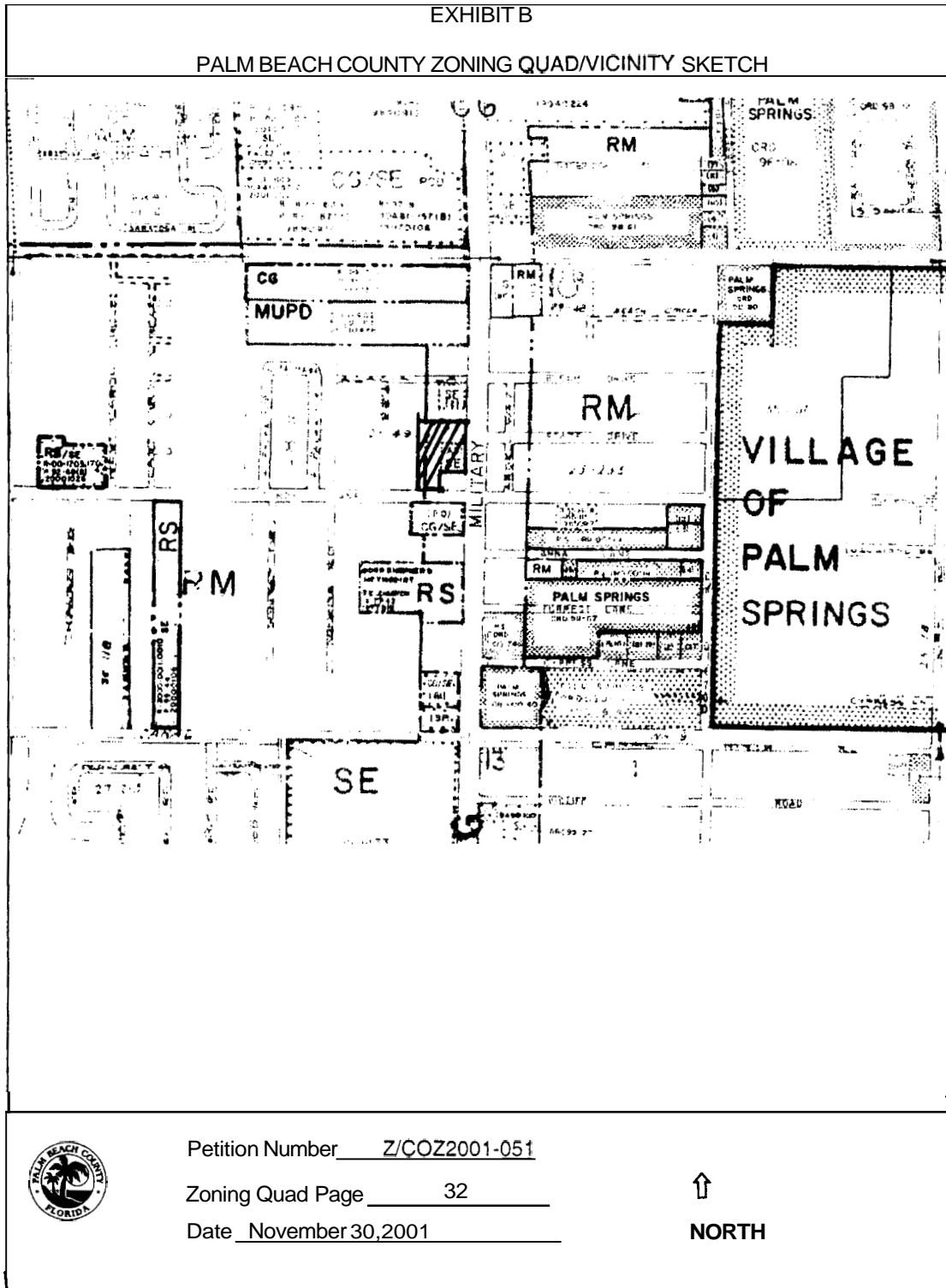


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Resolution R-81-1589, granting approval of Petition 81-164 is hereby revoked. (MONITORING)
2. 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 October 25, 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 buildings on site shall be designed and constructed to be generally consistent with the facade elevations by Mark Wiener dated October 30, 2001. (BLDG PERMIT: BLDG - Zoning)
2. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed twenty-seven (27) feet, except the architectural entry tower which shall not exceed thirty-six (36) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG – Zoning)
3. All 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)

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 14,490 square feet pharmacy. (DRC: ZONING)
2. The minimum setback for loading area, dumpsters and trash compactors shall be a minimum ninety (90) feet from the west property line. (DRC: ZONING)

D. LANDSCAPING – STANDARDS

1. Fifty-percent (50%) of canopy trees 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 at 4.5 feet above grade;
 - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length.

Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)

2. All shrub or hedge materials shall be planted in a hierarchy of layers, consisting of a minimum of three (3) varying heights, as follows:
 - a. Eighteen (18) to twenty-four (24) inches – ground cover and small shrubs;
 - b. Twenty-four to thirty-six (36) inches – medium shrubs; and

- c. Forty-eight (48) to seventy-two (72) inches – large shrub.

These heights shall be continuously maintained to achieve the hierarchal effect. (CO: LANDSCAPE – Zoning)

3. All trees, palms and shrub/hedge materials shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)
4. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy trees except for Condition F.1.c which allows twenty-five (25) percent of the total number of Military Trail right of way buffer canopy trees to be substituted with native palms or pine trees. (CO: LANDSCAPE – Zoning)
5. Landscape design and plant materials shall be generally consistent with preliminary landscape plan prepared by Dave Bodker dated February 25, 2002. (BLDG PERMIT/LANDSCAPE : Zoning)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Military Trail and Purdy Lane to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG. PERMIT: MONITORING-Eng)
2. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for an expanded intersection at Purdy Lane & Military Trail to provide for:
 - (a) Purdy Lane 54-1/2 feet from centerline;
 - (b) Military Trail 60 feet from centerline;
 - (c) a separate right turn lane on Military Trail which will require dedication of 71-1/2 feet from centerline, 210 feet in length plus a taper length of 50 feet.

This additional right of way shall be conveyed prior to the issuance of the first Building Permit or prior to November 1, 2002 whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and 'Corner Clips.'" (DATE/BLDG. PERMIT: MONITORING-Eng)

3. Prior to the issuance of a building permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

F. LANDSCAPING ALONG MILITARY TRAIL FRONTAGE

1. Landscaping and buffering along the Military Trail frontage shall 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 western edge (back side) of existing sidewalk;
 - c. one (1) canopy tree for each thirty (30) linear feet of frontage;

- d. one (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of eighty (80) feet between clusters; and,
- e. one (1) small shrub for each two (2) linear feet of the frontage. 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 frontage. Shrub shall be a minimum height of thirty six (36) inches at installation. (CO: LANDSCAPE)

G. LANDSCAPING ALONG PURDY LANE FRONTAGE

- 1. Landscaping and buffering along the Purdy Lane frontage shall 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 northern edge (back side) of existing sidewalk ;
 - c. one (1) canopy tree for each thirty (30) linear feet of frontage;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters; and,
 - e. one (1) small shrub for each two (2) linear feet of frontage. 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 frontage. Shrub shall be a minimum height of thirty six (36) inches at installation. (CO: LANDSCAPE)
- 2. Landscaped divider median shall be provided with a minimum length of sixty (60) feet and a minimum landscaped area width of five (5) feet. One booted sabal palm and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: ZONING-Zoning)

H. LANDSCAPING ALONG WEST PROPERTY LINE (ADJACENT TO RESIDENTIAL)

- 1. Landscaping along the west property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot buffer with six (6) feet high masonry screen panel wall setback a minimum five (5) feet from the property line and twenty-five (25) feet from the north side of the ultimate Purdy Lane right of way;
 - b. A continuous two (2) foot high berm (measured from top of curb);
 - c. One (1) native canopy tree for each twenty (20) linear feet of property line;
 - d. One (1) native palm or pine for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet clusters;
 - e. One eighteen (18) inch high native shrub for each two (2) linear feet of property line, to be maintained at a minimum height of twenty-four (24) inches;
 - f. One twenty-four (24) inch native shrub for each four (4) linear feet of property line, to be maintained at a minimum height of thirty-six (36) inches; and
 - g. One thirty (30) inch high native shrub for each eight (8) linear feet of property line, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

I. LANDSCAPING – INTERIOR

- 1. A minimum twelve (12) feet wide eighty (80) feet long median strip shall be provided along the north side of the drugstore drive thru lane to include: a continuous two (2) foot high berm (measured from top of curb); one (1) native canopy tree per twenty (20) linear feet of median strip; and one eighteen (18) inch shrub for each two (2) linear feet of median strip. Shrubs shall be

planted twenty-four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (DRC: LANDSCAPE)

2. Foundation planting or grade level planters shall be provided along the south and east facades of the building and consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) 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)

J. 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 (20) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting fixtures shall be setback a minimum sixty (60) feet from the west property line. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished thirty (30) minutes after business hours. (ONGOING: CODE ENF)
5. 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)

K. PLANNING

1. Prior to final site plan approval by the Development Review Committee (DRC), the site plan shall not have any commercial intensity and/or commercial square footage assigned to the 0.78 of an acre western portion of the site. This portion of the site shall be limited to at-grade parking, landscaping, and water retention. The site plan's "SITE DATA" section shall also reflect that the acreage and Floor Area Ratio (FAR) for the site are for only the 2.19 acre portion of the site. (DRC: PLANNING)
2. Vehicle storage, or storage of any kind, (with the exception of water retention), is prohibited on the 0.78 of an acre western portion of the site. (ONGOING: PLANNING)

L. SIGNS

1. Freestanding point of purchase sign located on Military Trail shall be limited as follows:
 - a. Maximum sign height measured from finished grade to highest point: twelve (12) feet;
 - b. Maximum sign face area per side: one hundred twenty (120) square feet;
 - c. Maximum number of signs: one (1);
 - d. Style: monument style only; and
 - e. Location: within thirty (30) feet of driveway. (CO: BLDG) ■

2. Freestanding point of purchase sign located on Purdy Lane shall be limited as follows:
 - a. Maximum sign height measured from finished grade to highest point: > six (6) feet;
 - b. Maximum sign face area per side: twelve (12) square feet;
 - c. Maximum number of signs: one (1);
 - d. Style: monument style only; and
 - e. Location: within fifteen (15) feet of the east side of the Purdy Lane driveway. (CO: BLDG)
3. Wall signs shall be limited to the east and south facade of the drugstore and individual lettering shall be limited to thirty-three and one-half (33%) inches in height for tenant identification purposes only (i.e. Walgreens). (CO: BLDG)
4. No neon shall be permitted for wall signage or graphics. (BLDG PERMIT: BLDG - Zoning)

M. USE LIMITATIONS

1. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. daily except the drive-thru window which may be permitted to remain open until 12:00 a.m. midnight. (ONGOING: ZONING/CODE ENF)
2. The one-way drive located north of the drive-thru lanes shall be limited to delivery and service vehicles only. (CO: ZONING/CODE ENF)
3. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the building. (ONGOING: CODE ENF - Zoning)
4. Outside vendors shall not be permitted on 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)



**Department of
Planning, Zoning & Building**

100 Australian Avenue
West Palm Beach FL 33406
(561)233-5000
Planning Division 733-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractor s Certification 233-5525
Administration Office 733 5005
Executive Office 233-5003
www.pbcgov.com/pzb



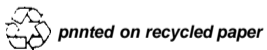
**Palm Beach County
Board of County
Commissioners**

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

County Administrator

Robert Weisman

"An Equal Opportunity
Affirmative Action Employer



**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING**

TO: Phyllis House, Minutes Manager
FROM: William C. Whiteford, Zoning Director
DATE: March 8, 2002
RE: Amended Conditions from the February 28, 2002
BCC Hearing

*WCW
by
dc*

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on February 28, 2002.

The following petitions were amended:

PDD/TDR2001-029	Colony Club Apartments PUD
EAC1990-030(F)	Fountains of Boynton
Z/COZ2001-051	Military Purdy Rezoning
Z/DOA1981-096(B)	Lantana Transfer Station

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