

RESOLUTION NO. R-2002-0503

RESOLUTION APPROVING ZONING PETITION Z/COZ2001-075
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF UNITED STATES POSTAL SERVICE
BY KILDAY & ASSOCIATES, AGENT
(NORTHLAKE POST OFFICE)

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/COZ2001-075 was presented to the Board of County Commissioners at a public hearing conducted on April 4, 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;
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/COZ2001-075, the petition of United States Postal Service by Kilday & Associates, agent, for an Official Zoning Map Amendment from Agricultural Residential to Public Ownership with a Conditional Overlay Zone 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 April 4, 2002, subject to the conditions of the Conditional Overlay Zone described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Greene 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	- Absent
Addie L. Greene	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 4, 2002.

Filed with the Clerk of the Board of County Commissioners on 14 day of May, 2002.

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

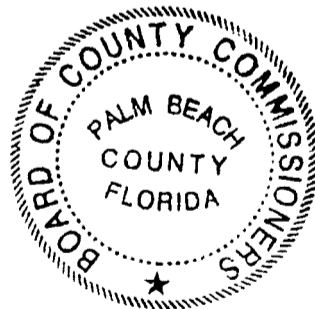


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THAT PART OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD AND LYING EAST OF THE RIGHT-OF-WAY FOR COCONUT BOULEVARD; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH 86°53'58" WEST ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 1522.70 FEET FOR A POINT OF BEGINNING;

THENCE, CONTINUE SOUTH 86°53'58" WEST ALONG THE SAID SOUTH LINE, A DISTANCE OF 1028.33 FEET TO THE INTERSECTION THEREOF WITH THE EAST RIGHT-OF-WAY LINE OF COCONUT BOULEVARD; THENCE NORTH 47°19'55" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 57.32 FEET; THENCE NORTH 01°33'46" WEST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 433.48 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 96.00 FEET; THENCE, NORTHEASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 24°09'10", A DISTANCE OF 40.47 FEET TO THE END OF SAID CURVE; THENCE, NORTH 39°13'08" EAST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 54.96 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 96.00 FEET AND WHOSE RADIUS POINT BEARS SOUTH 34°09'06" EAST; THENCE, NORTHEASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 31°03'03", A DISTANCE OF 52.03' TO THE POINT OF TANGENCY; SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID LAKE PARK WEST ROAD; THENCE NORTH 86°53'58" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 892.21 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 104.00 FEET AND WHOSE RADIUS POINT BEARS NORTH 84°48'28" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 81°42'26" , A DISTANCE OF 148.31' TO THE POINT OF TANGENCY; THENCE SOUTH 86°53'58" WEST, A DISTANCE OF 266.42 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°27'32", A DISTANCE OF 32.56 FEET TO THE END OF SAID CURVE; THENCE SOUTH 03°06'02" EAST, A DISTANCE OF 206.05 FEET; THENCE NORTH 86°53'58" EAST, A DISTANCE OF 431.85 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'14", A DISTANCE OF 54.86 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 03°17'48" EAST, A DISTANCE OF 226.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.25 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

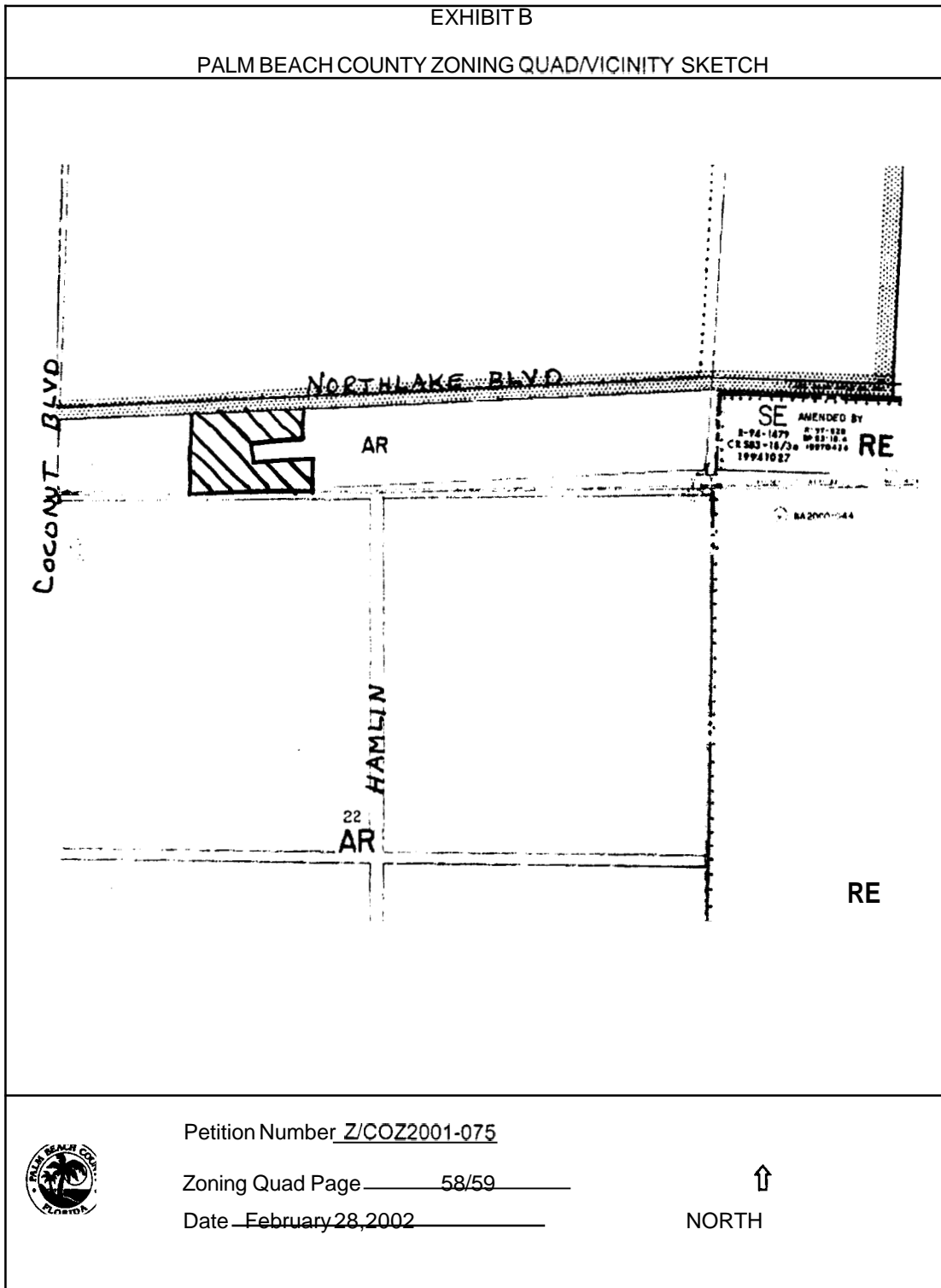


EXHIBIT C

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 preliminary site plan is dated January 10, 2002. 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 - Zoning)

B. ARCHITECTURAL CONTROL

1. The proposed buildings shall be designed and constructed to be consistent with the facade elevations by Archinetics Architects/Planners and dated January 10, 2002. (BLDG PERMIT: BLDG - Zoning)
2. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (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)

C. BUILDING AND SITE DESIGN

1. Prior to final Development Review Committee (DRC) certification, the preliminary site plan shall be revised to indicate the required perimeter buffer along the south side of the Northlake Boulevard entrance drive, unless an alternative landscape plan is approved or variance relief is obtained from the Board of Adjustment for that portion of the perimeter buffer. (DRC: ZONING/LANDSCAPE - Zoning)
2. Black vinyl coated chain link fencing shall be used to enclose the loading dock, carrier storage and employee parking areas. (BLDG PERMIT: BLDG - Zoning)

D. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within two hundred (200) feet of all property lines and shall be confined to the areas designated on the preliminary site plan dated January 10, 2002. (DRC/ONGOING: ZONING/CODE ENF - Zoning)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County Land Development Division 50 feet of parkway easement adjacent to the additional Northlake Boulevard Right of Way. This landscape easement shall be conveyed prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
2. Prior to August 1, 2003 the property owner shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (DATE: MONITORING - Eng)

3. LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS

- A. Prior to December 1, 2003, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Northlake Boulevard Right-of-Ways. This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to June 1, 2004. (CO: MONITORING- Eng)
- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to December 1, 2003. (DATE: MONITORING-Eng)

F. ERM

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (DRC/ONGOING: ERM - ERM)

G. LANDSCAPE ALTERNATIVE PLAN

1. Prior to final DRC certification, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE-Zoning)

H. LANDSCAPING – INTERIOR

1. Foundation planting or grade level planters shall be upgraded for the north and west facades of the post office 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 the post office and parking lot screening wall; 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 - Zoning)

I. LANDSCAPING STANDARD

1. Trees to be planted in the right-of-way buffers shall be native canopy trees and 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 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; and
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet.

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

3. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
4. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)

J. LANDSCAPING ALONG NORTH, SOUTH AND WEST PROPERTY LINES (NORTHLAKE, HAMLIN AND COCONUT BOULEVARD FRONTAGES)

1. Landscaping along the north, south and west property lines abutting Northlake Boulevard, Hamlin Boulevard and Coconut Boulevard shall be upgraded to include:
 - a. A minimum fifty (50) foot wide buffer strip for the north and west property lines adjacent to Northlake Boulevard and Coconut Boulevard. A bike or pedestrian pathway not to exceed eight (8) feet in width may be incorporated;
 - b. A minimum forty (40) foot wide buffer strip for the west 550 feet of the south property line. A horse corral not to exceed twenty-one (21) feet in width may be incorporated;
 - c. One native canopy tree for each thirty (30) linear feet of property line;
 - d. One palm or pine for each thirty (30) linear feet of property line, with a

- e. maximum spacing of sixty (60) feet between clusters;
- e. One small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- f. One medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches;
- g. One large shrub for each eight (8) linear feet of property line, to be installed at a minimum height of thirty (30) inches; and
- h. All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:
 - i. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - ii. twenty-four (24) to thirty-six (36) inches – medium shrub; and
 - iii. forty-eight (48) to sixty (60) inches – large shrub. (CO: LANDSCAPE – Zoning)

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: BLDG/CODE ENF - Zoning)
- 2. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor, freestanding lighting fixtures shall be setback a minimum of fifty (50) feet from the south property line. (CO: BLDG - Zoning)

L. PLANNING

- 1. Prior to final master plan approval by the Development Review Committee (DRC), in order to comply with Recommendation #4 from page 52 from the Western Northlake Corridor Land Use Study, the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation along Northlake Boulevard and Coconut Boulevard. (DRC: PLANNING - Planning)

M. SIGNS

- 1. Freestanding point of purchase signs shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - six (6) feet, eight (8) inches;
 - b. maximum sign face area per side – thirty (30) square feet;
 - c. maximum number of signs – two (2);
 - d. style - monument style only; and,
 - e. location – one (1) sign shall be permitted at each of the following locations:
 - i. within fifty (50) feet of the Northlake Boulevard and Coconut Boulevard entrances (CO: BLDG - Zoning)
- 2. Wall signs shall be limited to the north and west facades of the post office, and lettering size shall be limited to eighteen (18) inches in height. (CO: BLDG – Zoning)

N. USE LIMITATIONS

- 1. Post office shipping or delivery activities shall not be allowed prior to 5:00 a.m. nor continue later than 8:00 p.m., with exception for holiday delivery

schedules. (ONGOING: CODE ENF – Zoning)

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 - Zoning)