

RESOLUTION NO. R-2002-1004

RESOLUTION APPROVING ZONING PETITION DOA1984-152(I)
DEVELOPMENT ORDER AMENDMENT
PETITION OF YMCA OF SOUTH PALM BEACH COUNTY, INC.
BY YOUNG SONG, AGENT
(YMCA OF BOCA RATON)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA1984-152I was presented to the Board of County Commissioners at a public hearing conducted on June 19, 2002; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, 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 Development Order Amendment, 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 DOA1984-1521, the petition of YMCA of South Palm Beach County, Inc., by Young Song, agent, for a Development Order Amendment to add an access point, add square footage and reconfigure site plan 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 19, 2002, subject to the conditions of approval 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 Marcus and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chairman	-	Absent
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 June 19, 2002.

Filed with the Clerk of the Board of County Commissioners on 27 day of June, 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

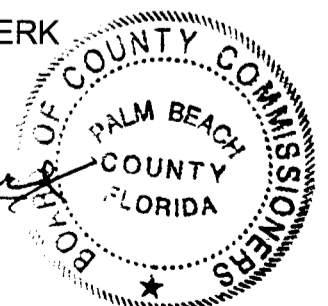


EXHIBIT A
LEGAL DESCRIPTION

BOCA DEL MAR NO. 4, TRACT 27 according to the Plat thereof as recorded in Plat Book 30, pages 85 & 86 of the Public Records of Palm Beach County.

Said lands situate in Palm Beach County, Florida and containing 653,420 square feet (15.00 acres), more or less.

EXHIBIT B
VICINITY SKETCH

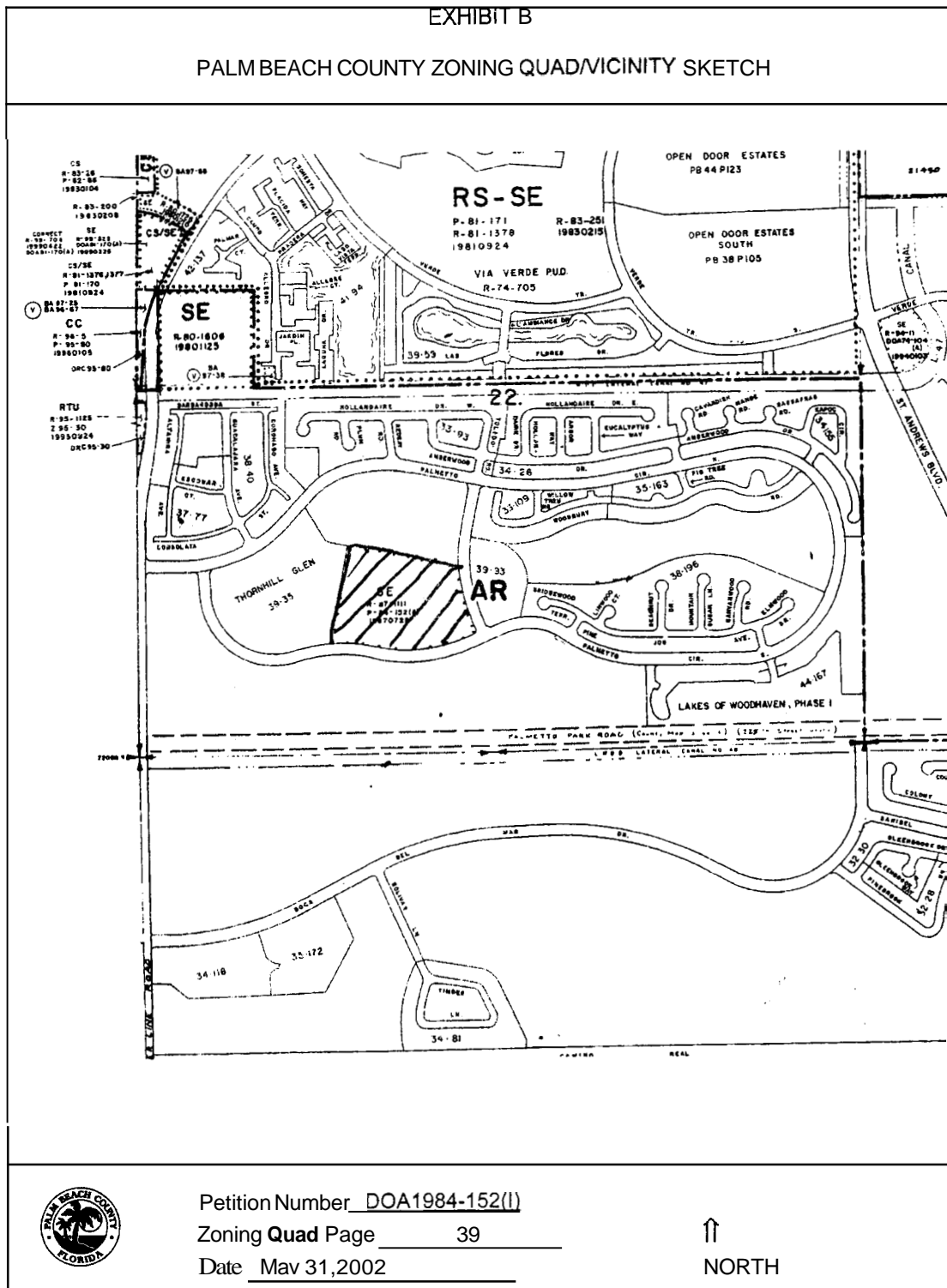


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition 1 of Resolution R-87-1111, Petition DOA84-152(A))which currently states:

The developer shall comply with all previous conditions of approval unless expressly modified herein.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-87-1111, Petition 84-152(A) (YMCA) have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. All conditions of approval contained in Resolutions R-85-288, Petition 84-152; R-88-1539, Petition 84-152(B); R-91-1466, Petition 84-152(C); R-95-107, Petition 84-152(D); R-95-115, Petition 84-152(E); R-95-1017, petition 84-152(F); R-95-1321.3, Petition 84-152(G) R-2000-1944, Petition 84-152(H); however, shall remain in full force and effect. (MONITORING-Zoning)
3. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master/site plan is dated June 12, 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. (DRC: ZONING-Zoning)

B. ARCHITECTURAL CONTROL

1. At time of submittal for final DRC certification of the site plan, the architectural elevations for all the proposed buildings shall be submitted simultaneously with the site plan for final architectural review and approval. 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: ZONING/BLDG PERMIT - Zoning)
2. The maximum height for all proposed 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. HEALTH

1. Architectural plans must be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13 FAC prior to issuance of a building permit. (BLDG PERMIT: HEALTH/BLDG-Health)
2. **Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the property.** (BLDG: HEALTH/BLDG-Health) (Previous Condition 5 of Resolution R-87-1111, petition 84-152(A)).

D. LANDSCAPING - STANDARD

1. Fifty percent (50%) of the 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; and,
 - 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 materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. forty-eight (48) to seventy-two (72) inches – large shrub; and,
 - d. this condition does not apply to the five (5) foot wide compatibility buffer. (CQ: LANDSCAPE - Zoning)
4. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Condition 2 of Resolution R-87-1111, Petition 84-152(A) which currently states:

The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three

(3) year – one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (ONGOING:ENG-Eng)

Is hereby deleted. Reason: [Drainage is code requirement].

2. The property owner shall construct a left turn lane, west approach on Palmetto Circle South at the project's entrance concurrent with onsite paving and drainage improvements. (ENG-Eng) (Previous Condition 3 of Resolution R-87-1111, Petition 84-152(A)).

Is hereby deleted. Reason: [Revised Traffic Study indicates opposing volumes on the adjacent street are not sufficient to require a left turn lane].

3. Condition 4 of Resolution R-87-1111, Petition 84-152(A) which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share contribution for Road Improvements Ordinance" as it presently exists or as may from time to time be amended. The fair Share fee for this project presently is \$9,377.00 (350 trips x \$26.79 per Trip). (ENG-Eng)

Is hereby deleted. Reason: [Impact fees are code requirement].

F. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING ST. JUDE CHURCH)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip;
 - b. one (1) native canopy tree for each thirty (30) feet of the property line; and
 - 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) 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. Credit may be given for existing or relocated shrubs provided they meet current ULGC requirements. (CO: LANDSCAPE-Zoning)

G. LANDSCAPING ALONG THE EAST 420 FEET OF THE SOUTH PROPERTY LINE AND THE EAST PROPERTY LINES (FRONTAGES OF PALMETTO CIRCLE SOUTH AND TOLEDO ROAD)

1. Landscaping and buffering along the east 420 feet of the south property line and the east property lines shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip;
 - b. one (1) native canopy tree for each thirty (30) 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 to be planted on both sides of the fence. Shrub shall be a minimum height of eighteen (18) inches at installation;
- e. one (1) large shrub for each six (6) linear feet of the property line to be planted on both sides of the fence. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE-Zoning)

H. LANDSCAPING – INTERIOR

- 1. Foundation planting or grade level planters for the new structures 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 fifty percent (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-Zoning)
- 2. Prior to final DRC Certification, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation (Slash Pines and other species) is preserved and is incorporated into the final site design. (DRC: LANDSCAPE-Zoning)
- 3. Along the west property line, one (1) palm or canopy tree shall be planted at twenty (20) feet on center. (CO: LANDSCAPE-Zoning)
- 4. Prior to final site plan certification of the site plan, the site plan shall be amended to show a focal point at both roundabouts adjacent to the new daycare/afterschool pick-up circle . The focal point shall be in the form of a fountain, raised planters with special planting treatment or similar pedestrian oriented public areas acceptable to the Public Hearing Section, Zoning Division. Pedestrian walkways with decorative pavement shall be provided to allow direct access to these amenities. (DRC: ZONING-Zoning)

I. ~~LIGHTING~~

- 1. **All** proposed 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 proposed 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 for the ball fields and ball courts shall be setback seventy-five (75) feet from all property lines. (DRC/BLDG PERMIT: ZONING-Zoning)

4. All outdoor lighting in the parking lot shall be extinguished no later than 11:00 p.m. daily, and all athletic field lighting shall be extinguished no later than 10:00 p.m. daily. This condition shall not apply to security lighting. (ONGOING: CODE ENF-Zoning)
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-Zoning)
6. All athletic field lighting shall be shielded and directed down and away from adjacent properties and streets. The athletic field lights shall not exceed sixty (60) feet in height, measured from finished grade to highest point. (CO/ ONGOING: BLDG / CODE ENF - Zoning)

J. PARKING

1. Prior to final DRC certification of the site plan, the petitioner shall submit an executed copy of the shared and off-site parking agreement between the property owner(s) and the St. Jude Church/School. Should the Traffic Division find the shared parking agreement unsatisfactory, the petitioner shall revise the agreement or reduce development intensity. (DRC: ZONING/TRAFFIC/CTY ATTY- Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall revise the site plan to indicate pedestrian walkway(s) that connects the west entrance of the YMCA facility to the off-site parking lot located at the property of St. Jude Church/school. (DRC: ZONING - Zoning)
3. Prior to final DRC certification of the site plan, the petitioner shall revise the site plan to indicate revision of the northwest portion of the parking lot /drop off area for the incorporation of existing slash pines. (DRC: ZONING - Zoning)

K. SIGNS

1. Should the existing signs located on Toledo Road and Palmetto Circle South be replaced and relocated. Any new freestanding point of purchase signs 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 - sixty (60) square feet;
 - c. maximum number of signs - one (1) for each road frontage;
 - d. style - monument style only; and,
 - e. Signs shall be limited to project identification only. (CO: BLDG-Zoning)

L. USE LIMITATIONS

1. The day care center shall be limited to a maximum of two hundred and fifteen (215) children. (ONGOING: HEALTH-Zoning)

M. 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 the 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. (ONGOING: MONITORING - Zoning)