

RESOLUTION NO. R-2002- 1969

RESOLUTION APPROVING ZONING PETITION PDD2001-043
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF GARDEN OAKS CENTER, LTD
BY DONALDSON HEARING & BRIAN CHEQUIS, AGENT
(SQUARE LAKE NORTH)

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 PDD2001-043 was presented to the Board of County Commissioners at a public hearing conducted on October 24, 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; 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 PDD2001-043, the petition of Garden Oaks Center Ltd., by Donaldson Hearing & Brian Chequis, agent, for an Official Zoning Map Amendment to a Planned Development District Rezoning from the Residential Estate Zoning District to the Multiple Use Planned Development Zoning District 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 24, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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 | - | Absent |
| 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 October 24, 2002.

Filed with the Clerk of the Board of County Commissioners on 6 day of November, 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

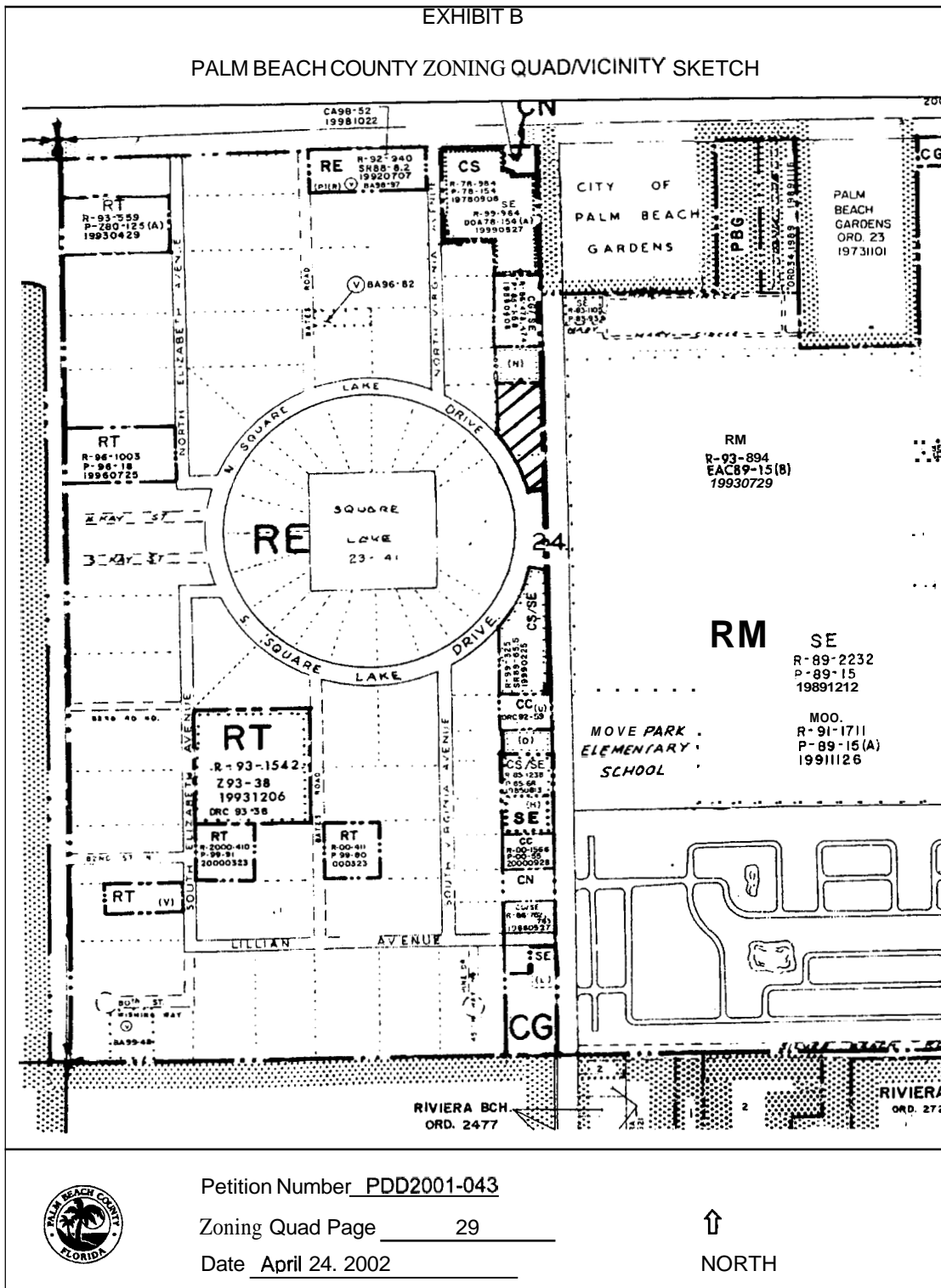
BY: 
DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

ALL OF LOTS 22, 23 AND 24, SQUARE LAKE, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 23, PAGE 141. LESS ADDITIONAL RIGHT-OF-WAY FOR STATE ROAD 809 (MILITARY TRAIL) AS RECORDED IN OFFICIAL RECORD BOOK 2651, PAGES 1892 AND 1895, OFFICIAL RECORD BOOK 2694, PG. 527, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. CONTAINING 3.065 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



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Date April 24, 2002



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 site plan is dated March 18, 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 REVIEW

1. At time of submittal for final DRC certification of the site plan, the architectural elevations shall be submitted simultaneously with the site plan for final architectural review and approval. Both elevations and the site plan shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and DRC certified site plan. (DRC: ARCH.REVIEW - Zoning)
2. Roof materials (s-tiles), roof colors (s-tiles) and exterior colors for all structures shall be consistent with the project Square Lake, Petition 90-56. (DRC/BLDG.PERMIT: ARCH.REVIEW - Zoning)
3. All mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment, consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (DRC: ZONING – Zoning)
4. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed twenty-seven (27) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

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

D. LANDSCAPING - STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and 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;
 - d. 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;
 - 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 canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)
- 4. Prior to final Development Review Committee (DRC) certification, the petitioner shall meet with Landscape staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE – Zoning)
- 5. Prior to final DRC certification of the site plan, the petitioner/property owner shall provide a revised Landscape Plan for the island at the main access point to Square Lake Drive from Military Trail to the Landscape Section for review and approval. The landscape plan shall be based on the configuration as shown on the conceptual road closure plan provided by the Engineering Department. The revision shall include any abandoned portion of Square Lake Drive. (DRC/LANDSCAPE– Zoning)
- 6. The proposed landscaping for the island at the access point to Square Lake Drive from Military Trail shall be designed and constructed to be consistent with the approved landscape plan pursuant to Condition D.5. Palm Beach County shall be financially responsible for the supply and installation of plant materials and irrigation in this island. The petitioner shall install the required plant materials and irrigation system, and all maintenance requirements of this island shall be the perpetual obligation of the petitioner/property owner. Maintenance shall include, but not be limited to, watering, pruning and fertilizing, (CO/ONGOING:LANDSCAPE - Zoning)

E. ENGINEERING

- 1. 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 THE EAST PROPERTY LINE (FRONTAGE OF MILITARY TRAIL)

- 1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction shall be permitted;
 - b. a minimum of 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. the landscape buffer shall be designed and constructed to be consistent with the Landscape Plan prepared by Cotleur Hearing Inc. dated October 21, 2002. (CO: LANDSCAPE-Zoning)
- 2. Landscaping for the east buffer shall be generally consistent with the approved landscape treatment of Square Lake, Petition 90-56. (CO: LANDSCAPE-Zoning)

G. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (FRONTAGES OF SQUARE LAKE DRIVE AND RESIDENTIAL)

- 1. Landscaping and buffering along the south and west property lines shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction shall be permitted;

- b. a six (6) foot high opaque concrete wall. One (1) concrete column (minimum width of sixteen (16) inches) shall be provided and equally spaced at a maximum of seventy-five(75) feet on center, and at both ends of the wall. Both sides of the wall and columns shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. A minimum six (6) inch stucco band shall be provided along the top of the wall;
 - c. one (1) vine (Ficus pumila or similar species) shall be provided and spaced five (5) feet on center along the exterior side of the wall;
 - d. the landscape buffer shall be designed and constructed to be consistent with the Landscape Plan prepared by Cotleur Hearing Inc. dated October 21, 2002. (CO: LANDSCAPE-Zoning)
2. Landscaping for the south and west buffers shall be generally consistent with the approved landscape treatment of Square Lake, Petition 90-56. (CO: LANDSCAPE-Zoning)

H. 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 – Zoning)
- 2. Foundation planting or grade level planters 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 for the front facade, and a minimum of six (6) feet for the side facades;
 - 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-Zoning)

I. 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, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point, and shall be setback a minimum of thirty (30) feet from the northwest property line. (CO: BLDG - Zoning)
- 3. All outdoor lighting shall be extinguished no later than 9:30 p.m. excluding security lighting only. (ONGOING: CODE ENF-Zoning)
- 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-Zoning)

J. USE LIMITATIONS

- 1. The site shall be limited to the use limitations and property development regulations of the Neighborhood Commercial (CN) Zoning District and to the use restrictions per Condition J.2. (ONGOING:ZONING –Zoning)

2. Prior to final DRC certification of the site plan, the property owner shall record a restrictive covenant, including use limitations and hours of operation, on the site, and shall be subject to the review and approval by the County attorney.

a. The covenant shall limit the site to the following uses:

- i. Office, business or professional;
- ii. Personal services except for massage studios per ULDC Sec. 6.4.D.72);
- iii. Printing & copying services;
- iv. Repair services, limited except for small motor repair under Repair Services, limited (per ULDC Sec. 6.4.D.78);
- v. Retail sales, automotive accessories and parts;
- vi. Retail sales, general except for bulky goods under Retail Sales, general (per ULDC 6.4.D.82);
- vii. Government services; and,
- viii. Financial Institution.

b. The covenant shall limit the following conditional uses:

- i. Medical office or dental clinic;
- ii. Fitness, center; and,
- iii. Building, supplies.

c. Prior to final DRC certification of the site plan, the petitioner shall indicate the above list of use limitations on the site plan. (DRC:COUNTY ATTY/PLANNING/ZONING – Planning/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. Hours of operation, including deliveries and loading activities shall be limited to 8:00 a.m. to 9:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturdays, and no Sunday operations. (ONGOING: CODE ENF - Zoning)

4. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space located on the site plan dated March 18, 2002. (ONGOING: CODE ENF-Zoning)

5. There shall be no outdoor repair of vehicles or small motors on site. (ONGOING: CODE ENF - Zoning)

K. SIGNS

1. Freestanding signs fronting on Military Trail shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. maximum total sign face area - one hundred (100) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and,
- e. location - within fifty (50) feet of access point on Military Trail;
- f. Signs shall be limited to identification of tenants only. (CO: BLDG-Zoning)

2. Wall signs shall be limited to the east facade of the buildings and individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to only identification of tenants only. (CO: BLDG-Zoning)

L. 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. (ONGOING: MONITORING - Zoning)