

RESOLUTION NO. R-94- 111

RESOLUTION APPROVING ZONING PETITION CA93-40
CLASS A CONDITIONAL USE
PETITION OF DX PROPERTIES, INC.

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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition **CA93-40** was presented to the Board of County Commissioners at a public hearing conducted on January 27, 1994; 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
9. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County 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 **CA93-40**, the petition of **DX PROPERTIES, INC.**, by: JILL A. JARKEYS, AGENT for a CLASS A CONDITIONAL USE allowing accessory commercial pursuant to Section 6.6.a.12 of the ULDC, including business, professional and medical offices; medical and dental clinic; day care (elderly) and general retail in the Multi-Family Residential (High Density) (RH) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 27, 1994, 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 Foster and, upon being put to a vote, the vote was as follows:

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Warren Newell	--	Absent
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of January, 1994.

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

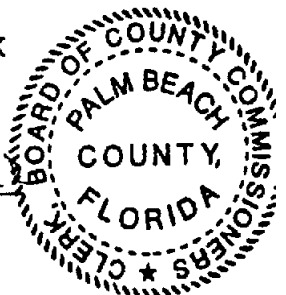


EXHIBIT "A"

LEGAL DESCRIPTION

Tract 5, CENTURY VILLAGE PLAT NO. ONE, according to the Plat thereof as recorded in Plat Book 28, page 194 of the Public Records of Palm Beach, Florida.

Lying and being in Section 23, Township 43 South, Range 42 East.

Property Control Number: 00-42-43-23-01-000-0050.

93-40

EXHIBIT B

VICINITY SKETCH

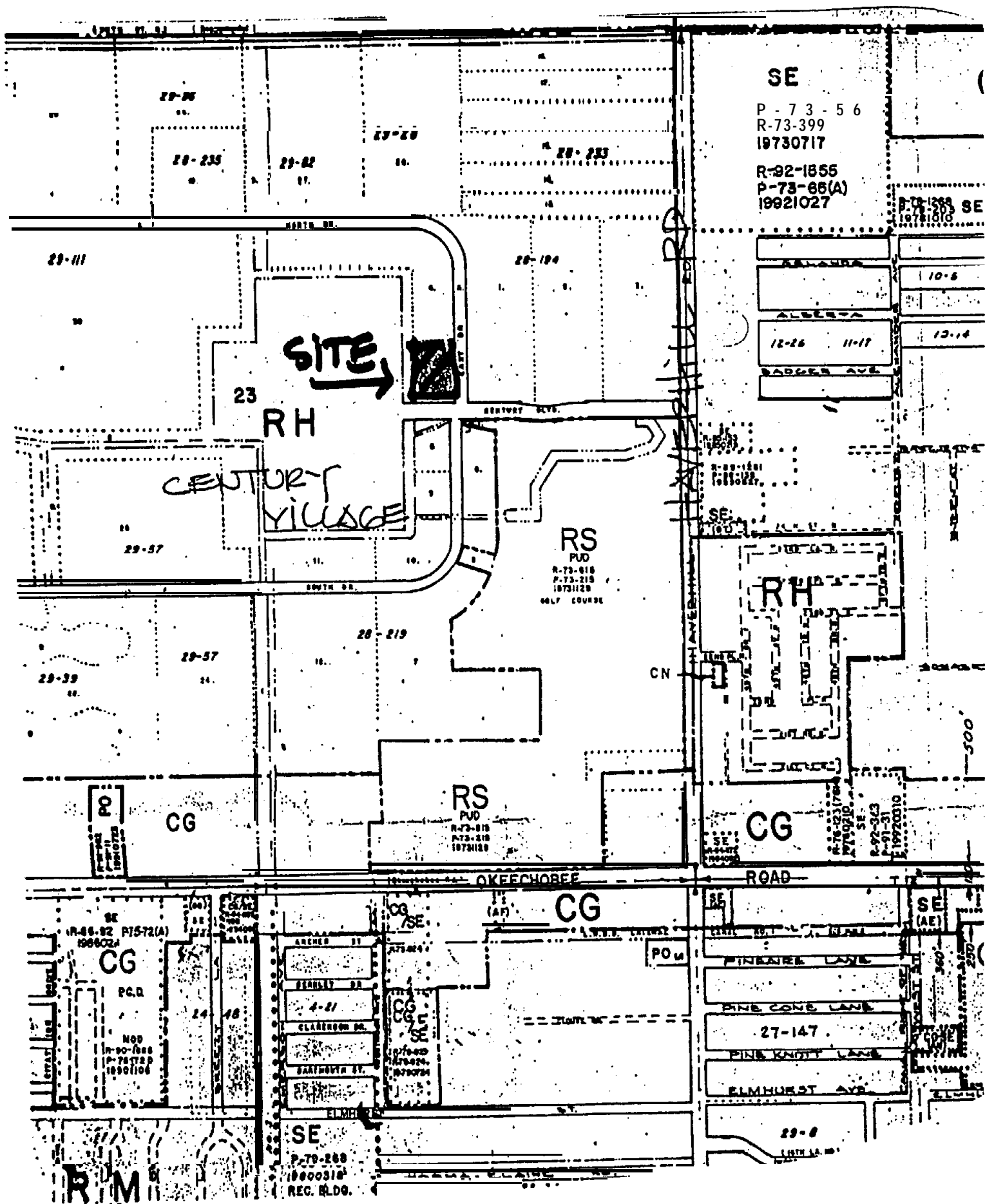


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. No occupational licenses for accessory commercial uses shall be issued until the parking and landscaping improvements are completed in accordance with the certified site plan. (ZONING)
2. All existing air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material. (BUILDING)

B. LANDSCAPING - GENERAL

1. All existing trees shall be upgraded to meet the following minimum standards:
 - 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. (ZONING)
2. Terminal islands, divider medians, and landscape islands shall incorporate existing native vegetation to the extent determined by the Zoning Division. Adjustments to the location of landscape islands may occur as the result of acceptance of an Alternative Landscape Betterment Plan by the Zoning Division. (Zoning)

C. LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ABUTTING RIGHTS-OF-WAY)

1. Landscaping within the required buffer along the south and east property lines shall be upgraded to include:
 - a. One (1) native canopy tree planted every twenty (20) feet on center.
 - b. One (1) native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (BUILDING-Zoning)

D. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

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. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible *and* harmonious with abutting development. (BUILDING-Zoning)
 2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. One (1) native canopy tree planted every twenty (20) feet on center.
 - b. One (1) native palm tree or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees or pine trees may supersede the requirement for a native canopy tree in that location.
 - c. Thirty (30) 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 forty-eight (48) inches. (BUILDING-Zoning)
 3. Along the interior side of the required wall, 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. (Zoning)

E. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the north property line and shall be confined to areas designated on the site plan. (BUILDING -Zoning)

F. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT)
2. All outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (BUILIDNG)
3. All outdoor lighting shall be extinguished *no* later than **11:00** p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

G. PARKING

1. Prior to site plan certification, the applicant shall either obtain a variance from the Board of Adjustment or reduce proposed square footage as may be necessary to meet all parking requirements.
2. All delivery and/or loading areas shall be screened from view from the north property line by a twelve (12) foot high wing wall, measured from finished grade to highest point, consistent with the color and character of the principle structure. (BUILDING-Zoning)
3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan. (CODE ENFORCEMENT)

4. The parking area along the south side **of** Century Boulevard shall be used for employee parking only. Appropriate signs shall be posted restricting this area to employee parking only. (Building)
5. No parking of any vehicles shall be permitted along the rear of the facility except in parking spaces designated on the site plan. (Code Enforcement)

H. SIGNS

1. Prior to site plan certification, the petitioner shall submit a master sign plan indicating **signage** details. The site shall be limited to one (1) free standing sign no larger in face, area, or height than the existing sign on **site.** (ZONING)

I. USE LIMITATIONS

1. Proposed uses of the site shall be limited to the following limitations of the CN district:
 - a. General Retail: limited to a maximum of 1500 square feet of gross floor area per use and shall be limited to: the sale of prescription and over the counter pharmaceutical drugs, health aids, durable medical goods and other items which are health related, and which are for the exclusive use of the residents of Century Village; and, **newstand** and gift shop;
 - b. Medical office or dental clinic: limited to a maximum of 1500 square feet of gross floor area per use, not to exceed 8,000 square feet of gross floor area;
 - c. Business or professional office: limited to legal services, accounting services, real estate services or other Florida state licensed professional services which do not include the sale of goods, or management functions which directly relate to the management and operation of Century Village Communities, with total office **use** limited to a maximum of 8,000 square feet of gross **floor area** per lot;
 - d. Personal services: limited to a maximum of 1,500 square feet of gross floor area per use;
 - e. Adult day care center: for an adult day care center of twenty persons or less, the minimum usable floor area, exclusive of any space devoted to the kitchen, office, storage, and toilet facilities shall be 1,500 square feet or more. An additional 75 square feet of floor area or the amount required by the PBCPHU shall be provided for each person in an adult day care center that is proposed to accommodate more than twenty persons. There shall be a minimum of 1,500 square feet of outdoor activity area or 100 square feet of outdoor activity area per person for an adult day care center, whichever ever produces the larger area; and,
 - f. The CN regulations require certain limitations of square footage per use. The petitioner may seek variance relief from CN code requirements regarding square footage limitations per use. In no event shall the cumulative square footage exceed the proposed 31,800 square feet of accessory commercial development.

J. RECYCLE SOLID WASTE

1. The property owner and all lessees shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)