

RESOLUTION NO. R-96-536

RESOLUTION APPROVING ZONING PETITION EAC74-195(B)  
DEVELOPMENT ORDER AMENDMENT/  
EXPEDITED APPLICATION CONSIDERATION (EAC)  
PETITION OF SEAMEL INC.  
BY GEORGE GENTILE, AGENT  
JONATHAN'S LANDING PUD/DRI

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 EAC74-195(B) was presented to the Board of County Commissioners at a public hearing conducted on April 25, 1996; 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 therefore 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; and

WHEREAS, the Board of County Commissioners determined this amendment does not constitute a Substantial Deviation under Chapter 380, Florida Statutes, to the Development of Regional Impact development order; and

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 EAC74-195(B), the petition of Seamel Inc. by George Gentile, agent, for a Development Order Amendment/Expedited Application Consideration (EAC) to add two (2) access points to the commercial pod of a previously approved development order 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 April 25, 1996, 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 Lee and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 25, 1996.

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

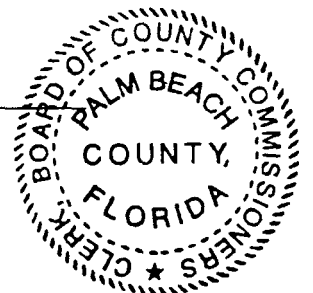


EXHIBIT A

LEGAL DESCRIPTION

Government Lots 6 and 7, and the West Half of the Southwest Quarter of Section 6; and

Government Lots 2 and 3, and the East Half of the Northwest Quarter of Section 7, in Township 41 South, Range 43 East, Palm Beach County, Florida;

ALSO the lands lying between the aforesaid Government Lots in Section 6 and 7 and the West Right-of-Way line of the Intracoastal Waterway conveyed by the Internal Improvement Fund of the State of Florida, by deed dated January 7, 1948, as recorded in Deed Book 833, Page 494, of the Public Records of Palm Beach County, Florida.

Government Lot 4, and the West Half of the Northwest Quarter and the North Half of the Southwest Quarter to Section 7, Township 41 South, Range 43 East, Palm Beach County, Florida.

LESS AND EXCEPT the following parcels of land:

A parcel of land in part of Section 6, Township 41 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Quarter Section Corner on the West line of said Section 6; thence South 89 deg.34'15" East (all bearings mentioned herein refer to bearings shown on page 3 of maps of Maintenance Spoil Areas of Intracoastal Waterway, Jacksonville to Miami, by Florida Inland Navigation District dated March 1, 1953) along the East West Quarter Section line of said Section 6, a distance of 2,926.26 feet to a point on the West Right-of-way line of the Intracoastal Waterway; thence South 17 deg.36'54" East along said Right-of-Say line, a distance of 103.02 feet to the South Right-of-way line of State Road No. 706 (Indiantown Road) as now laid out and in use, and the POINT OF BEGINNING of the hereinafter described parcel of land; thence continue South 17 deg.36'54" East along said West Right-of-Nay line, a distance of 1,883.87 feet; thence North 20 deg.26'21" West; a distance of 1,918.77 feet to the South Right-of-Way line of State Road No. 706, (Indiantown Road as now laid out and in use) thence South 88 deg.36'33" East along said South Right-of-Way line, a distance of 100 feet to the POINT OF BEGINNING. Containing 2.041 acres, more or less.

A parcel of land in part of Section 6 and Section 7 Township 41 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Quarter Section Corner on the West line of said Section 6; thence South 89 deg.34'15" East (all bearings mentioned herein refer to bearings shown on page 3 of maps of Maintenance Spoil Areas of Intracoastal Waterway, Jacksonville to Miami, by Florida Inland Navigation District dated March 1, 1953) along the East West Quarter Section line of said Section 6 a distance of 2,926.26 feet to a point on the West Right-of-way line of the Intracoastal Waterway; thence South 17 deg.36'54" East along said West Right-of-way line, a distance of 1,986.90 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence South 43 deg.06'11" East along said West Right-of-Way line, a distance of 1,079.99 feet; thence South 10 deg.59'53" East along said West Right-of-Way line, a distance of 70 feet; thence South 65 deg.22'44" West, a distance of 61.23 feet; thence North 38 deg.14'25" West, a distance of 1123.92 feet to the Point of Beginning. Containing 1.229 acres, more or less.

VICINITY SKETCH

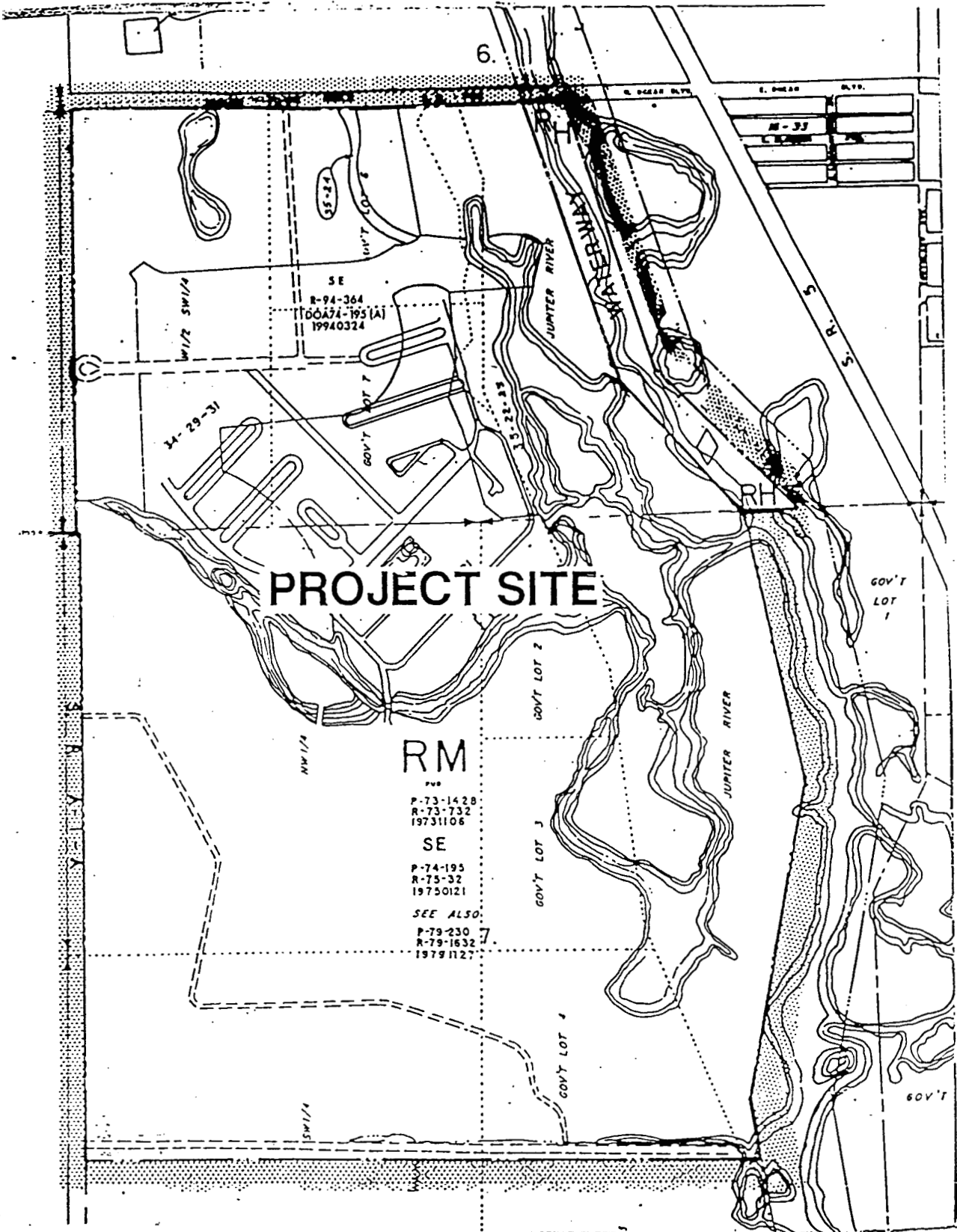


EXHIBIT C

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. GENERAL CONDITIONS

1. Condition A.1. of Resolution R-94-364, which currently states:

**All previous conditions of approval applicable to the subject property, as contained in Resolutions R-75-32, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, unless expressly modified.**

Is hereby amended to state:

**All previous conditions of approval applicable to the subject property, as contained in Resolutions R-75-32 (Petition 74-195) and R-94-364 (Petition DOA74-195(A) have been consolidated as contained 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. **Prior to the dredging of the marina the appropriate approvals shall be obtained from all required governmental agencies. (Previously Condition 2 of Resolution R-94-364, Petition 74-195A). (Status: Done.)**
3. **The North Peninsula (~~38~~ 30 acres) and abutting property will be deeded for a Metropolitan Park in perpetuity and the reasonable use of said park, by the public, shall be worked out between the Palm Beach County Planning, Zoning and Building Department and the developer after approval of the Final Master Land Use Plan and prior to the filing of the first plat. (Previously Condition 3 of Resolution R-94-364, Petition 74-195A). (Status: Done.)**
4. **Developer shall maintain a one hundred (100) foot setback from the Intracoastal Waterway on the South Peninsula. (Previously Condition 4 of Resolution R-94-364, Petition 74-195A). (DRC: ZONING)**
5. **Developer shall preserve the specimen trees when developing the South Peninsula. (Previously Condition 5 of Resolution R-94-364, Petition 74-195A). (ERM)**
6. **Drainage Plan to be submitted and approved by the applicable governmental agencies for protection of the aquatic preserve. (Previously Condition 6 of Resolution R-94-364, Petition 74-195A). (ENG)**
7. **Gross density shall not exceed eight (8) dwelling units per acre. (Previously Condition 7 of Resolution R-94-364, Petition 74-195A). (DRC: ZONING)**
8. **Developer shall donate the existing fire station equipment to the Fire District. (Previously Condition 8 of Resolution R-94-364, Petition 74-195A). (PREM)**

9. Developer agrees to provide \$635,000.00 toward construction of a four (4) lane urban section of Indiantown Road as approved by the County Engineering Department from the Intracoastal Waterway to Alternate A1A and Alternate A1A from the intersection of Indiantown Road south along the west boundary line of the subject property to the terminus of the subject planned unit development property. (Previously Condition 9 of Resolution R-94-364, Petition 74-195A). (ENG)
10. The signalization of the three (3) turnouts as shown on the Preliminary Master Land Use Plan shall be installed at the developer's expense. (Previously Condition 10 of Resolution R-94-364, Petition 74-195A). (ENG)
11. Prior to the issuance of any building permits the developer shall dedicate to Palm Beach County the required rights-of-way for Alternate A-1-A and Indiantown Road. (Previously Condition 11 of Resolution R-94-364, Petition 74-195A). (ENG)
12. All water body areas in the project shall be maintained by the homeowners or condominium association. (Previously Condition 12 of Resolution R-94-364, Petition 74-195A). (CO ATTY)
13. Relocation of all persons presently residing on the subject site shall be at the developer's expense. (Previously Condition 13 of Resolution R-94-364, Petition 74-195A). (Status: Done.)
14. Prior to master plan certification by the Development Review Committee (DRC), the site plan for the commercial pod shall be amended to reflect all changes required by the conditions of approval contained herein. (DRC: ZONING)

B. PARCEL AA

1. The developer of and/or builders in Parcel **AA** shall include in all written sales brochures, contracts, site plans and master plans, a disclosure statement identifying the 30 acre park property as County-owned property to be developed and operated as a public park and all interested parties should contact the Palm Beach County Parks and Recreation Department for information pertaining to the park. (ONGOING: PARKS) (Previously Condition B.1 of Resolution R-94-364, Petition 74-195A).

C. LANDSCAPING - COMMERCIAL POD ONLY

1. All trees required to be planted in the commercial pod 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. (CO: LANDSCAPE - Zoning)
2. Interior grade-level tree planters shall be required within all applicable parking areas in accordance with Section 7.3.E.2.a. (2)(b) of the ULDC. (CO: LANDSCAPE)

3. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The, minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: ZONING)
4. Landscape islands shall be provided along the front and side facades of all commercial structures. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape islands shall be no less than 40% of the total length of the applicable side of the structure. All required landscape islands shall be planted with a minimum of one (1) tree every 20 feet on center and appropriate ground cover. (CO: LANDSCAPE)

D. LANDSCAPING ALONG SOUTH PROPERTY LINE OF COMMERCIAL POD - ABUTTING RESIDENTIAL

1. Landscaping and buffering along the south property line of the commercial pod, abutting residential Pod J, shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip; and
  - b. A six (6) foot high opaque concrete wall. The wall shall not encroach any setbacks required by ENCON for utility purposes. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE-Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
  - a. One (1) canopy tree planted every twenty (20) feet on center;
  - b. One (1) palm 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 or pine trees may supersede the requirement for a canopy tree in that location; and
  - 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. (CO: LANDSCAPE-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. (CO: LANDSCAPE-Zoning)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Indiantown Road at the projects east entrance road. This right-of-way shall be a minimum of **210** feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner 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. (BLDG. PERMIT: MONITORING - Eng)
2. The Property owner shall construct:
  - a) right turn lane south approach on SR A1A at the projects south entrance;
  - b) right turn lane west approach on Indiantown Road at the projects east entrance; and
  - c) channelized left turn lane (partial median opening to permit lefts in only) on Indiantown Road at the projects east entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Should the Department of Transportation deny permits for this construction, then the property owner shall be relieved of that portion of this condition which is denied. This shall also apply with the right of way condition above. All construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING/Eng)

F. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES OF COMMERCIAL POD (ABUTTING R-O-W)

1. Landscaping and buffering along the north and west property lines of the commercial pod shall be upgraded to meet the standards of the Jupiter IOZ. (CO: LANDSCAPE-Zoning)

G. LIGHTING - COMMERCIAL POD ONLY

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of 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 thirty (30) feet in height, measured from finished grade to highest point. (CO: BLDG-Zoning)



H. MASS TRANSIT - COMMERCIAL POD ONLY

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRC: ZONING - School Board/Eng/Planning)
2. The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts. This condition shall remain in effect until April 25, 1997. (DATE: MONITORING - Eng)

I. PLANNED DEVELOPMENT - COMMERCIAL POD ONLY

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: CO ATT - Zoning)
2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: CO ATT - Zoning)

J. PARKING - COMMERCIAL POD ONLY

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF)
2. Prior to master plan certification by the Development Review Committee (DRC), the site plan shall be amended to include shopping cart storage and retrieval corrals in all retail parking areas. (DRC: ZONING)

K. SIGNS - COMMERCIAL POD ONLY

1. Point of purchase and/or freestanding signs fronting on Alternate A1A shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;

- b. Maximum sign face area per side - 180 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only. (CO: BLDG)
2. Point of purchase and/or freestanding signs fronting on Indiantown Road shall be limited as follows:
- a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
  - b. Maximum sign face area per side - 180 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only. (CO: BLDG)
3. Outparcel identification signs shall be limited as follows:
- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - 80 square feet.;
  - c. Maximum number of signs - one (1) per outparcel; and
  - d. Style - monument style only. (CO: BLDG)

L. COMPLIANCE

1. 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; 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.

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 my 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)