

RESOLUTION NO. R-98- 125

RESOLUTION APPROVING ZONING PETITION PDD97-71
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF ORIOLE HOMES CORPORATION
BY ROBERT BENTZ, AGENT
(HAGAN & BOYNTON 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 PDD97-71 was presented to the Board of County Commissioners at a public hearing conducted on January 29, 1998; 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) 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) 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) 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) 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 PDD97-71, the petition of Oriole Homes Corporation by Robert Bentz, agent, for an Official Zoning Map Amendment (PDD) Rezoning from AR to MUPD 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 January 29, 1998, 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 29, 1998.

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

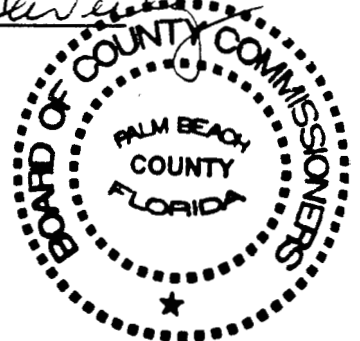


EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION:

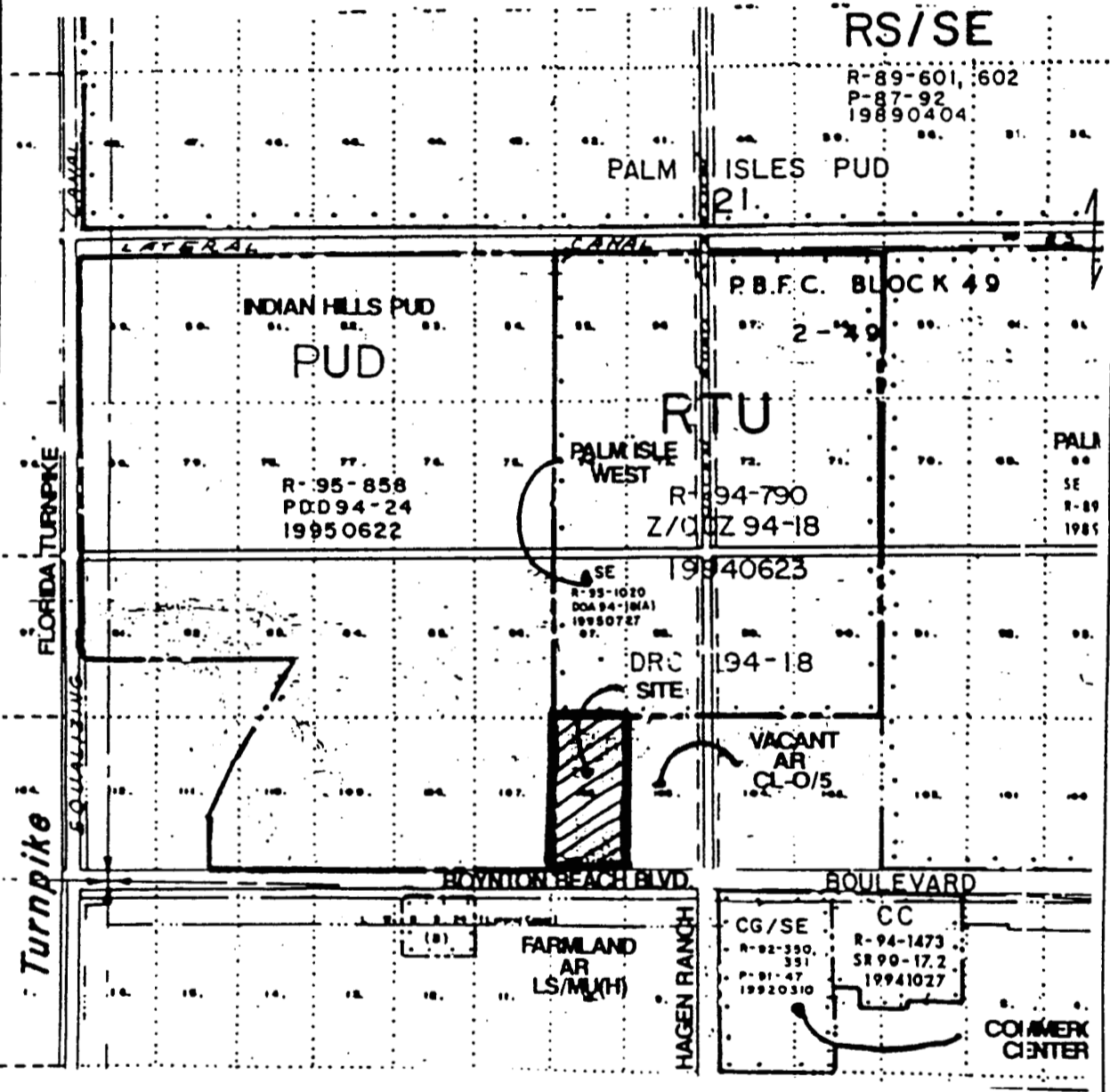
TRACT 106, BLOCK **49**, LESS THE SOUTH **95.00** FEET THEREOF OF "PALM BEACH FARMS COMPANY PLAT NO. **3**", AS RECORDED IN PLAT BOOK **2**, PAGES **45** THROUGH **54** INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

COSTAINING 186.512 SQUARE FEET / 4.282 ACRES, MORE OR LESS.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 97-71

Zoning Quad Page #50

Date: 7/15/97



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 November 25, 1997. 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)

B. BUILDING AND SITE DESIGN

1. All buildings and structures shall be designed and constructed in accordance with Section 4 - "Architectural Design Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996 (BLDG PERMIT: BLDG - Planning)
2. All air conditioning and mechanical equipment 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)
3. Exterior metal louvers to provide partial screening of the second floor windows will be incorporated into the building design at the west (rear) elevation of the west building. (BLDG PERMIT: Zoning)
4. 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 one hundred and fifty (150) feet of the north and west property line. (DRC / ONGOING: ~~ZONING~~ / CODE ENF)

C. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, 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.
 - 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. The project shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996, inclusive of the following landscaping provisions:
 - a. Section 2: Boynton Beach Boulevard Buffers/Streetscape and Median; and
 - b. Section 3: Landscaping Guidelines. (ONGOING: PLANNING)
4. Prior to final site plan certification by the DRC the petitioner shall submit a conceptual landscape plan to the Planned Division for consistency review with the Boynton Beach Turnpike Interchange Corridor Design guidelines. (DRC: PLANNING)

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 twenty-five (25) 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. In accordance with Section 6.8.A.23.b.(c). The requirement for the 6 foot wall may be waived since the adjacent property to the north contains a wall;
 - b. One (1) canopy tree planted every twenty-five (25) feet on center;
 - c. One (1) palm or pine tree for each forty (40) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
 - d. Thirty-six (36) 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)

E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a. Building Permits for more than 30,449 square feet of medical office shall not be issued until construction has begun for the widening of Jog Road as a 6 lane section from Boynton Beach Boulevard to Woolbright Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
2. LANDSCAPE WITHIN MEDIAN OF STATE ROADS
 - a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Boynton Beach Boulevard road right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March

1994 Streetscape Standards. The property owner shall also be responsible to supplement 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 landscape material, installation, and maintenance requirements shall be subject to the standards 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 existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owners Association and/or Homeowners 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 the issuance of a certificate of occupancy. (PLAT FINAL: ENG)
- C Declaration of Covenants and Restriction Documents shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)

F. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING WEST BOYNTON BEACH BLVD)

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. **A** minimum twenty-five (25) foot wide landscape buffer strip;
 - b. One (1) Live Oak tree planted every twenty-five (25) feet on center;
 - c. One (1) Royal Palm for each forty (**40**) linear feet of frontage; and,
 - d. Ixora "Nora Grant" shall **be** planted in a bed at the base of each Royal Palm. (CO: LANDSCAPE)

G. LANDSCAPING ALONG EAST PROPERTY LINE

- 1. Landscaping and buffering along **the** east property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip; and
 - b. One (1) canopy tree planted every twenty-five (25) feet on center;
 - c. 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
 - d. Thirty-six (36) 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)

H. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the west property lines shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip; and
 - 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. (CO: LANDSCAPE)
2. The following landscaping requirements along the west property line shall be upgraded to include the following:
 - a. One (1) canopy tree planted every twenty-five (25) feet on center;
 - b. One (1) palm or pine tree for each forty (40) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location;
 - c. Thirty-six (36) 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; and,
 - d. All trees and palms shall be installed alternating on both side of the required wall. (CO: LANDSCAPE)
3. Along the interior side of the required wall, the property owner shall install thirty-six (36) inch high shrub or hedge material spaced no more than thirty-six (36) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)
4. Along the interior side of the wall, adjacent to the west facade of the western building, the inside row of perimeter canopy trees shall be installed at a minimum of sixteen (16) feet in height (approximately six (6) trees) (CO: LANDSCAPE)

I. MUPD

1. Total gross floor area shall be limited to a maximum of 53,600 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DRC: ZONING)
2. To ensure consistency with the site plan dated September 25, 1997 presented to the Board of County Commissioners, no more than ten (10%) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING)

J. PLANNING

1. Prior to the issuance of a building permit, the property owner shall include in the landscape median permit application (Condition E.2., Landscaping details/specifications meeting the standards as set forth in Section 2.B (1) (2) of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996 (BLDG PERMIT: MONITORING - Planning)
2. Prior to Final Site Plan Certification by the Development Review Committee (DRC), the petitioner shall revise the site plan to delete the note: "entry landscape area may contain parking spaces". (DRC: PLANNING)

K LIGHTING

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 twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
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)

L. SIGNS

1. Freestanding point of purchase signs fronting on Boynton Beach Boulevard 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 - 100 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)

M. 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 U.LDC, 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)**