

RESOLUTION NO. R-98- 727

**RESOLUTION APPROVING ZONING PETITION PDD97-118
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF RICHARD CASTOR
BY KILDAY & ASSOCIATES, AGENT
(ADDISON PLACE)**

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

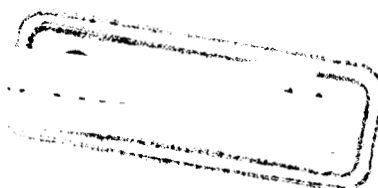
WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD97-118 was presented to the Board of County Commissioners at a public hearing conducted on May 28, 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. X

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD97-118, the petition of Richard Castor by Kilday & Associates, agent, for an Official Zoning Map Amendment to rezoning from Agricultural Residential (AR) to Multiple Use Planned Development (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 May 28, 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 Lee and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 28, 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

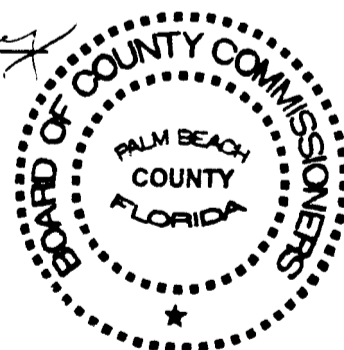


EXHIBIT A
LEGAL DESCRIPTION

ATTACHMENT "A"

LEGAL DESCRIPTION

THAT PORTION OF THE WEST HALF (W ½) OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF JOG ROAD (CARTER ROAD), LESS THE SOUTH 86.46 FEET THEREOF AS MEASURED FROM THE SOUTH LINE OF SAID SECTION 27 ACCORDING TO THE PALM BEACH COUNTY SURVEY OF SAID SECTION 27

PALM BEACH COUNTY
VICINITY SKETCH/ZONING

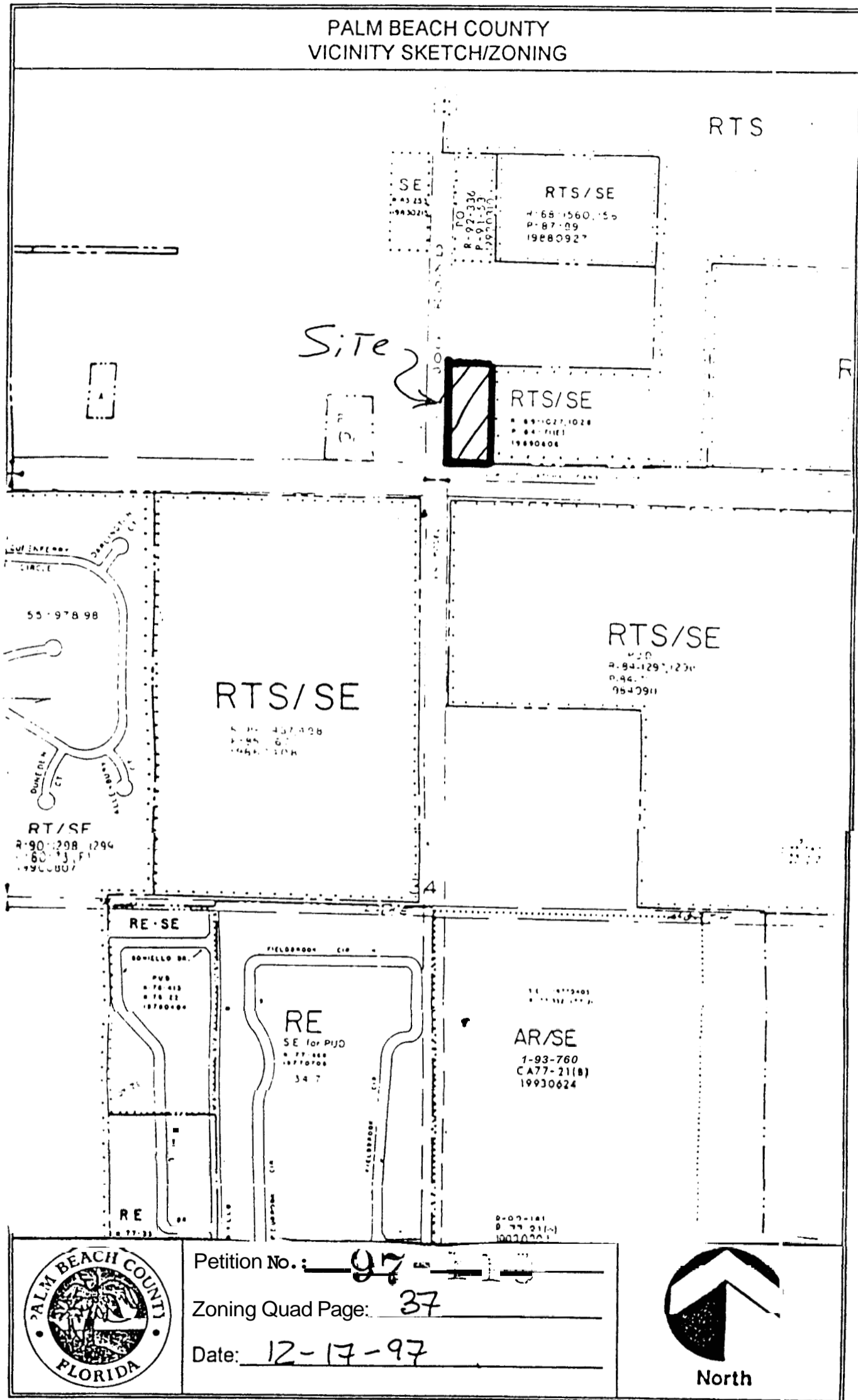


EXHIBIT C

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 revised site plan and architectural renderings (dated January 15, 1998) by REG Architects, Inc. are dated April 2, 1998. 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)
2. Prior to the April 23, 1998 Board of County Commissioners Public Hearing, the petitioner shall submit architectural renderings as part of the application and shall be make part of the record. Approvals for this project shall be based on conformity with these renderings. (DRC/ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum 30,000 square feet. (DRC: ZONING)
2. All structures shall be limited to one story and the maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty five (35) feet. (BLDG PERMIT: BLDG - Zoning)
3. 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)
4. Similar architectural character and treatment, including but not limited to color (earth tones and pastel colors), material, fenestration and roof treatment, shall be provided on all sides of the buildings. (BLDG PERMIT: BLDG - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

D. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval 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)

E. ENGINEERING

1. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

- 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 Jog Road rights-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by Palm Beach County Department of Engineering and Public Works, 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 Owner's Association and/or Homeowners's 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 on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORING - Eng)

F. LANDSCAPING ALONG WEST PROPERTY LINE (JOG ROAD FRONTAGE)

1. Landscaping and buffering along the west property line shall include:
- a. A minimum twenty (20) foot wide Landscape Buffer strip;
 - b. One (1) canopy tree spaced no more than thirty (30) feet on center;
 - c. One (1) palm for each twenty-five (25) linear feet of property line with no maximum spacing between clusters. A group of three (3) palms may not substitute for a perimeter canopy tree and;
 - d. Twenty four (24) 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 thirty six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING ROAD EASEMENT)

1. Landscaping and buffering along the north property line shall include:

- a. A minimum ten (10) foot wide landscape buffer strip;
- b. **One (1)** canopy tree spaced no more than twenty **(20)** feet on center;
- c. **One (1)** palm for each twenty-five **(25)** linear feet of property line with no maximum spacing between clusters. A group of three (3) palms may not substitute for a perimeter canopy tree and;
- d. Twenty four **(24)** 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 thirty six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING CANAL L-38 AND RESIDENTIAL)

- 1. Landscaping and buffering along the south property line shall include:
 - a. A Type 2 Incompatible Landscape Buffer. A 50 % reduction of the buffer's width shall be permitted. (CO: LANDSCAPE)

I. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the east property line shall include:
 - a. A minimum fifteen **(15)** foot wide landscape buffer strip; and
 - b. A minimum six (6) foot high solid concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development; and
 - c. A continuous earth berm measured from top of curb two **(2)** foot high. (CO: LANDSCAPE)
- 2. The following landscaping requirements shall be installed on the exterior (east) side of the required wall:
 - a. One **(1)** canopy tree planted at a minimum of twenty (20) feet on center; and
 - b. Twenty four **(24)** 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 thirty-six (36) inches. (CO: LANDSCAPE)
- 3. The following landscaping requirements shall be installed on the interior (west) side of the required wall:
 - a. One (1) canopy tree planted at a minimum of twenty (20) feet on center; and
 - b. Twenty four **(24)** 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 thirty-six (36) inches. (CO: LANDSCAPE)

J. LANDSCAPING - INTERIOR

- 1. One landscape island shall be provided for every twelve **(12)** parking spaces. The maximum spacing between landscape islands shall not exceed one hundred twenty **(120)** linear feet. (DRC: ZONING)
- 2. Foundation planter strip shall be provided along the front and side facades of all structures. The minimum width of the required foundation planter strip shall be five **(5)** feet. The combined length of the required foundation planter strip shall be no less than **40%** of the accumulative length of the structure. All required foundation planter strips shall be planted with a minimum of one

(1) tree or palm every 20 feet and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

K. LIGHTING

1. **All** outdoor lighting used to illuminate the subject property shall be of low intensity, shielded **and directed down and** away from adjacent properties and streets. Any ground lighting used **to** illuminate project identification signage shall be directed toward the sign face and away from adjacent **residential** properties. (CO / ONGOING: BLDG / CODE ENF -Zoning)
2. **All outdoor** lighting poles, with the exception of **those** placed on the east **side** of proposed building, shall not exceed twenty five (25) feet in **height**, measured **from** finished grade to highest point. **All** outdoor light poles placed on the east side of the proposed building shall not exceed twenty (20) feet in height. (CO: BLDG - Zoning)
3. All outdoor light poles shall be located a minimum of twelve (12) feet **f**rom the east (residential) property line, with house-side cutoff shields to **pre**vent lighting from spilling into residential areas.
4. All outdoor lighting shall be extinguished no later than 11:00 p.m. Sunday through Thursday, and no later than 12:30 a.m. Friday and Saturday, excluding security lighting only. (ONGOING: CODE ENF)

L. SIGNS

1. Freestanding sign fronting on Jog Road shall be limited as follows:
 - a. Maximum sign height twelve - (12) feet measured from the adjacent sidewalk to the highest point;
 - b. Maximum sign face area per side - one hundred (100) square feet;
 - c. Maximum number of signs - one (1);
 - d. Monument style only. (CO: BLDG)
2. Freestanding sign fronting on the Road easement **shall** be limited as follows:
 - a. Maximum sign height- eight (8) feet; measured from finished **grade** to the highest point;
 - b. Maximum sign face area per side - ninety six (96) square feet
 - c. Maximum number of signs - one (1);
 - d. Monument style only. (CO: BLDG)
3. Wall signs shall **be** limited to the northern, southern and western facades of the buildings. (CO: BLDG)

M. USE LIMITATIONS

1. Hours of operation for retail business **activities**, including deliveries, shall **be** 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 12:00 a.m. Friday to Saturday. (ONGOING: CODE ENF - Zoning)
2. Outdoor retail and associated business activities shall not be allowed on site. (ONGOING: CODE ENF - Zoning)
3. Parking of delivery vehicles or **trucks** shall not be permitted on site except within the designated loading space as shown on the approved site **plan** dated March 17, 1998. (ONGOING: CODE ENF)

4. 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)
5. No uses such as auto parts stores, marine supply sales and sales of bulky household goods such as lawnmowers, mopeds, motorcycles and golf carts shall be permitted on the site. (ONGOING: CODE ENF- Zoning)

N. PLANNING

1. The property shall be restricted to the following uses:
 - a. Financial institution;
 - b. Office, business or professional;
 - c. Medical office or dental clinic;
 - d. Florist;
 - e. Personal services;
 - f. General retail; (See Condition M.5)
 - g. Laundry services;
 - h. Newsstand or gift shop;
 - i. Printing or copying services;
 - j. Restaurant (no primary delivery services, fast food, or drive thru window);
 - k. Veterinary clinic (no overnight boarding or outdoor runs). (DRC/ONGOING: PLANNING)

This Condition is superseded by Conditions 1.1, 1.2 and 1.3

O. 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 those 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 ULOC at the time of the finding of noncompliance, 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 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. (MONITORING)



RECEIVED

98 JUL -8 AM 11:51

JERROLD H. WILKEN, CLERK
POLYGRAPH CO. COMM. P. B. CO.
FINANCE

Department of Planning,
Zoning & Building
100 Australian Avenue
West Palm Beach, FL 33406
(561) 233-5000
<http://www.co.palm-beach.fl.us>

INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING

TO: Willa Oswalt, Minutes Clerk
FROM: L. Martin Hodgkins, Zoning Director *LMH*
DATE: June 30, 1998
RE: Amended Conditions from the May 28, 1998 BCC

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioner; on May 28, 1998.

The following petitions were amended:

- | | |
|--------------|-------------------------------|
| PDD96-115(A) | L&G ACLF |
| PDD97-118 | ADDISON PLACE |
| DOA80-187(F) | TRINITY CHURCH |
| PDD97-116 | BRISTOL POINT PUD |
| PDD97-104(1) | RAINBOW PUD |
| PDD97-104(3) | RAINBOW PUD- SUNSHINE MEADOWS |
| DOA90-04(A) | HERNANDEZ TRUCK RENTAL |
| DOA97-72(A) | THOROUGHbred LAKES ESTATES |
| DOA91-47(A) | HAGEN RANCH COMMERCE CENTER |

Please contact me at 233-5234 if you have any questions.

F:\USER\B\MARLOW\WPDATA\WILLA76.98

-
- Palm Beach County
Board of County
Commissioners**
- Burt Aaronson, Chairman
 - Maude Ford Lee, Vice Chair
 - Karen T. Marcus
 - Carol A. Roberts
 - Warren H. Newell
 - Mary McCarty
 - Ken L. Foster
- County Administrator**
- Robert Weisman, PE

"An Equal Opportunity
Affirmative Action Employer"

