

RESOLUTION NO. R-99- 964

RESOLUTION APPROVING ZONING PETITION DOA78-154(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF NORTHLAKE CORP. PARK PARTNERHSIP
BY ALAN M. STRASSLER, AGENT
(NORTHLAKE CORP. PARK)

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 DOA78-154(A) was presented to the Board of County Commissioners at a public hearing conducted on May 27, 1999; 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 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.

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 DOA78-154(A), the petition of Northlake Corp. Park Partnership, by Alan M. Strassler, agent, for a Development Order Amendment (DOA) to add building square footage 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 May 27, 1999, 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 Masilotti and, upon being put to a vote, the vote was as follows:

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

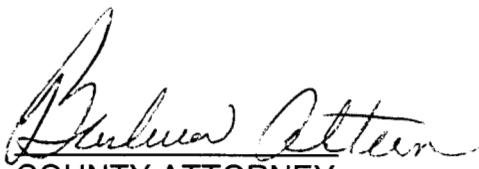
The Chair thereupon declared that the resolution was duly passed and adopted on May 27, 1999.

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

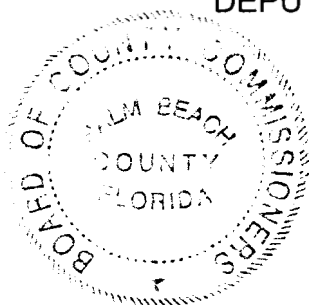


EXHIBIT A

LEGAL DESCRIPTION

A parcel of land lying in the Northeast quarter (**NE** 1/41 **of** the Northwest quarter (NW 1/41 of Section 24, Township 42 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of the Northwest quarter **of** Section 24 aforesaid; thence South 01°34'06" West along the North-South quarter Section Line of said Section 24 (the North-South quarter Section Line of said Section 24 is assumed to bear South 01°34'06" West and all other bearings are relative thereto) a distance of 285.00 feet to a point; thence North 88°08'54" West a distance of 50.0 feet to the **POINT OF BEGINNING** of the herein described parcel, said point being in the Westerly Right **of** Way line of Military Trail as now laid out and in use; thence continue North 88°08'54" West a distance of 146.89 feet to a point; thence North 01°34'06" East a distance of 10.0 feet to a point; thence North 46°09'21" West a distance of 58.26 feet to a point; thence North 01°34'06" East a distance of 136.19 feet to a point in the Southerly Right of Way line of Northlake Boulevard as now laid out and in use; thence North 88°08'54" West along said Southerly Right of Way line of Northlake Boulevard a distance of 350.00 feet to the Point of Intersection with the Easterly Right of Way line of North Virginia Avenue as now laid out and in use; thence South 01°34'06" West along said Easterly Right of Way line of North Virginia Avenue a distance of 562.90 feet to a point thence South 88°25'54" East a distance of 540.00 feet to a point in the said Westerly Right of Way line **of** Military Trail; thence North 01°34'06" East along said Westerly Right of Way line of Military Trail a distance of 375.23 feet to the **POINT OF BEGINNING**.

Together with Lot 18, according to the plat of **SQUARE LAKE** as recorded in Plat Book 23 at Page 141, in and for the Public Records of Palm Beach County, Florida, less, however, additional Right **of** Way for Military Trail (S.R. 809).

Subject to Rights of Way and Easements of Record.

FLOOD ZONE:

This property is located in Flood Zone B.

7.27 ACRES +/-

EXHIBIT B

VICINITY SKETCH

CITY OF PALM BEACH GARDENS
CG1 COMMERCIAL

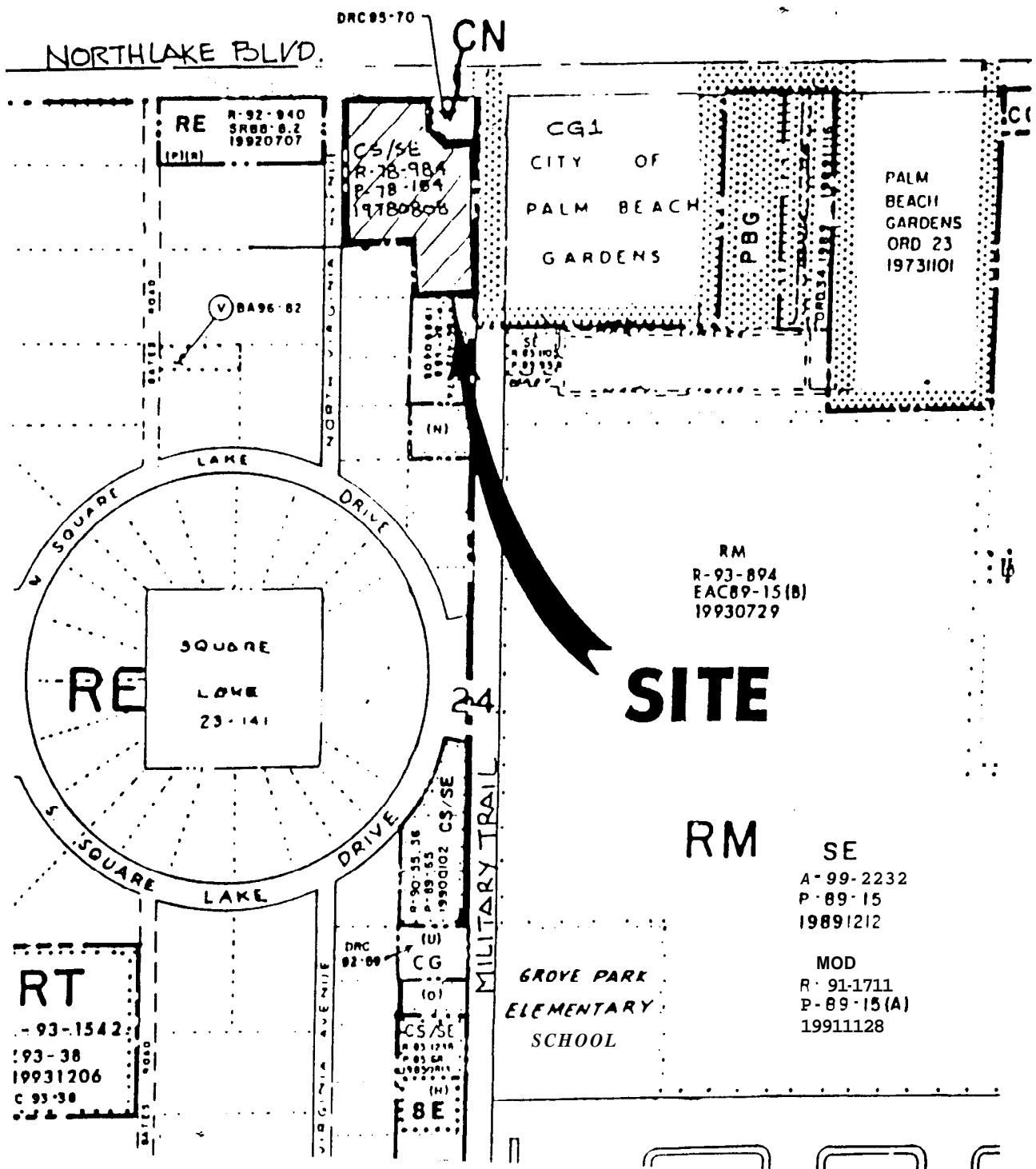


EXHIBIT C

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. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-78-984 (Petition 78-154), 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. 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 May 5, 1999. 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. Total gross floor area shall be limited to a maximum of 94,587 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less. (DRC: ZONING)
2. The maximum height for the new structure, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed forty five (45) feet. (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 in the affected area 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; and,
 - 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)

E. ENGINEERING

1. Petitioner shall construct a left turn lane, east approach, on Northlake Boulevard at Virginia Avenue. (Previous Condition 1 of Resolution R-78-984, Petition 78-154) [Is hereby deleted.]
2. Condition 2 of Resolution R-78-984, Petition 78-154 which currently states:

Petitioner shall construct a left turn lane, south approach, on Military Trail at the property's east entrance.

Is hereby amended to read:

Petitioner shall construct a left turn lane, south approach, on Military Trail at the property's south entrance. [Completed.]
3. Petitioner shall pave Virginia Avenue from Northlake Boulevard to the project's turnout. (Previous Condition 3 of Resolution R-78-984, Petition 98-154) [Completed.]
4. Condition 4 of Resolution R-78-984, Petition 98-154 which currently states:

Petitioner shall construct a right turn lane, north approach, on Military Trail at the property's east entrance.

Is hereby deleted.
5. Within ninety (**90**) days of the Special Exception approval, petitioner shall convey to Palm Beach County a total of one hundred (**100**) Feet from the centerline for Northlake Boulevard. (Previous Condition 5 of Resolution R-78-984, Petition 98-154) [Survey indicates compliance with this condition].
6. Within ninety (**90**) days of the Special Exception approval, petitioner shall convey to Palm Beach County a total of sixty (**60**) feet from the centerline for Military Trail. (Previous Condition 6 of Resolution R-78-984, Petition 98-154) [Survey indicates compliance with this condition].
7. There shall be a right turn access only at the easterly turnout on Northlake Boulevard. (Previous Condition 7 of Resolution R-78-984, Petition 98-154) [ONGOING].
8. Petitioner shall contribute a fair share toward reducing the traffic impact for this project as shall be determined by the County Engineer provided, however, that if the County adopts a "Fair Share Contribution" Ordinance the provisions of the Ordinance shall supersede this condition. (Previous Condition 8 of Resolution R-78-984, Petition 98-154) [Is hereby deleted].

9. The property owner shall reconstruct the existing entrance to the site from Military Trail to provide for a minimum of a thirty (30) foot pavement radius for the projects entrance road.
 - A) 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 any required relocation of existing utilities.
 - B) Permits required from the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the next building permit. (BLDG PERMIT: MONITORING - Eng)
 - C) Construction shall be completed prior to the issuance of the next Certificate of Occupancy. (CO: MONITORING - Eng)

10. Prior to the issuance of a building permit the Developer shall plat the entire 1.27 acre parcel in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

11. 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 Northlake Boulevard 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, landscape 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 evidencing this obligation, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORING - Eng)

F. EXISTING LANDSCAPING

1. **Prior to the issuance of any building permits, petitioner shall provide and have completed an effective opaque landscape screening on the west and south property lines as the first step in preparing the property for development.** (Previous Condition 9 of Resolution 78-984, Petition 78-154)
2. Prior to August 1, 1999, the petitioner shall remove all exotic, invasive plant materials (Schefflera, etc.) from the overall site and shall replace any existing dead or damaged plant materials. (DATE: LANDSCAPE)
3. Prior to final DRC certification of the site plan, the petitioner shall provide a landscape plan for the overall site, including both existing and proposed landscaping. (DRC: LANDSCAPE)

G. LANDSCAPING - INTERIOR AFFECTED AREA ONLY

1. One 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)
2. Foundation plantings 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 five (5) feet;
 - 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)

H. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES OF THE AFFECTED AREA (ABUTTING RESIDENTIAL/COMMERCIAL) AFFECTED AREA ONLY

1. Landscaping and buffering along the above property lines shall include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip; and
 - b. One (1) canopy tree planted every twenty (20) 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 not supersede the requirement for a canopy tree in that location; and
 - d. 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)

I. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING MILITARY TRAIL)
AFFECTED AREA ONLY

1. Landscaping and buffering along the above property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A minimum two to three foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. One (1) canopy tree planted every thirty (30) feet on center;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - e. 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. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy Security Code, 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)

K. 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 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)