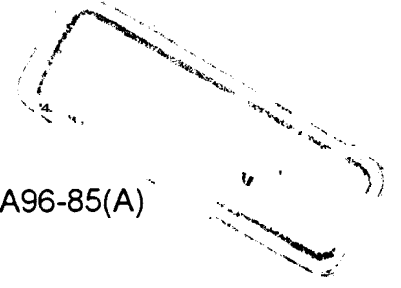


RESOLUTION NO. R-98-1298

RESOLUTION APPROVING ZONING PETITION DOA96-85(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF Eddy RECIO
BY STEVE MICKLEY, AGENT
(RECIO REZONING)



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 DOA96-85(A) was presented to the Board of County Commissioners at a public hearing conducted on August 27, 1998; 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 DOA96-85(A), the petition of Eddy Recio, by Steve Mickley, agent, for a Development Order Amendment (DOA) to Add Building square footage (+1057) and redesign the site 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 August 27, 1998, 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 Foster and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on August 27, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

[Signature]
COUNTY ATTORNEY

BY:

[Signature]
DEPUTY CLERK

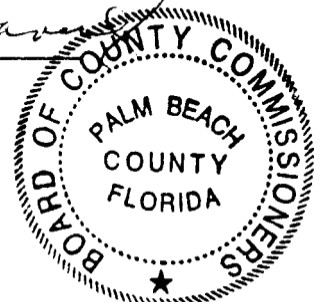


EXHIBIT A

LEGAL DESCRIPTION

Lot 10, Block 6, FROST PARK, a Subdivision in Palm Beach County, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 188, LESS and excepting therefrom the right of way of Congress Avenue as described in Official Record Book 965, page 382, Public Records of Palm Beach County, Florida. (Section 18, Township 44 south, Range 43 east.

EXHIBIT B
VICINITY SKETCH

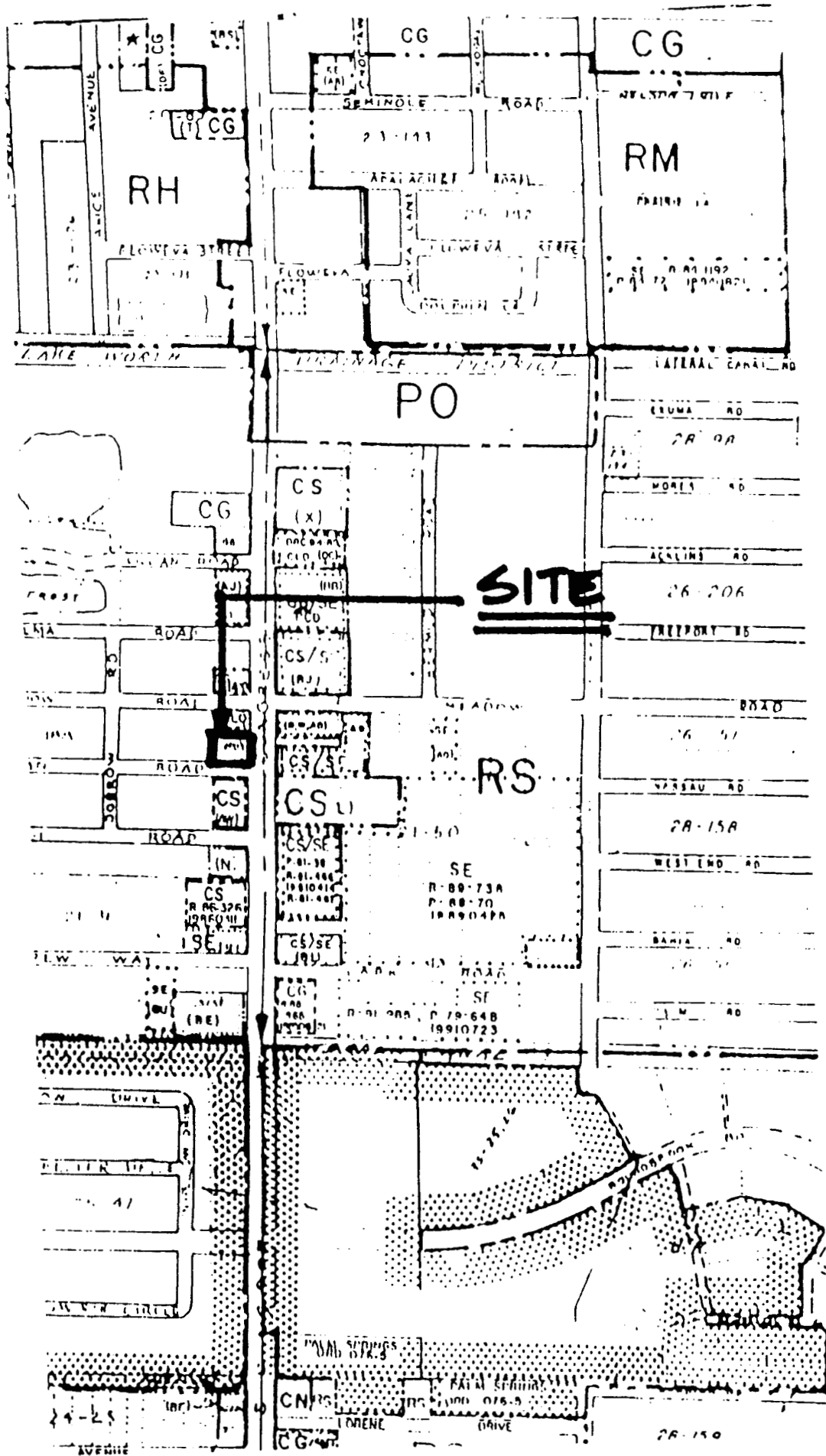


EXHIBIT C

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. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-96-1955 (Petition 96-85) have been consolidated 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. Condition A.1 of Resolution R-96-1955, Petition 96-85 which currently states:

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 September 27, 1996. 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)

is hereby amended.

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 June 23, 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)

B. HEALTH

1. Condition B.1 of Resolution R96-1955, Petition 96-85 which currently states:

Application and engineering plans to upgrade the existing onsite sewage treatment and disposal system (OSTDS) in accordance with Chapter 10D-6FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Public Health Unit prior to final site plan approval. (DRC: HEALTH)

is hereby amended to read:

Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Chapter 64E-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)

2. Any toxic or hazardous waste which may be generated at this site shall be properly handled and disposed of in accordance with Chapter 62-730 FAC. (ONGOING: HEALTH/CODE ENF) (Previous Condition E.2 of Resolution R96-1955, Petition 96-85)

3. Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 10D-104 FAC. (ONGOING: HEALTH/CODE ENF)

C. CONCURRENCY

1. Condition C.1 of Resolution R-96-1955, Petition 96-85 which currently states:

Prior to final site plan certification, the applicant shall submit a concurrency revision form to match the square footage on the site plan dated September 27, 1996 (1441) or reduce the size of the structure to 1400 square feet. (DRC: CONCURRENCY)

It is hereby amended to read:

Prior to final site plan certification, the applicant shall submit a concurrency revision form to match the (2,498 sq. ft.) square footage on the site plan dated June 19, 1998. (DRC: CONCURRENCY)

D. LANDSCAPING - STANDARD

1. Condition D.1 of Resolution R-96-1955, Petition 96-85 which currently states:

All 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)

It is hereby amended to read: [Reason: 14 foot high trees limited availability]

All trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: twelve (12) 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 time of installation:

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clustering: staggered heights twelve (12) to eighteen (18) feet; and

- c. Pruning: minimum six **(6)** fronds, no clipped or spiked cuts.
- d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition D.2 of Resolution R96-1955, Petition 96-85)

E. ENGINEERING

- 1. Prior to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Congress Avenue, **53** feet from centerline along the project's entire frontage, free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (BLDG PERMIT: MONITORING/Eng.) (Previously Condition E.1 of Resolution R-96-1955, Petition 96-85)

- 2. Condition E.2 of Resolution R-96-1955, Petition 96-85 which currently states:

LANDSCAPE WITHIN MEDIAN

- 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 all adjacent median(s) of all abutting rights-of-way. 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 and 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**. **I**f 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 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 certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng.)

Is hereby deleted. [Reason: No Median along Congress Avenue].

F. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING COMMERCIAL)

Condition F.I of Resolution R96-1955, Petition 96-85 which currently states:

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum five (5) foot wide buffer (south property line);
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage, 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 (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 thirty-six (36) inches. (DRC / CO: ZONING / LANDSCAPE)

Is hereby amended to read:

Landscaping and buffering along the north property line shall be upgraded to include:

- a. A minimum five (5) foot wide buffer;
- b. One (1) canopy tree planted every thirty (30) feet on center;
- c. One (1) palm or pine tree for each twenty five (25) linear feet of frontage, 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. 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. (DRC / CO: ZONING / LANDSCAPE)

G. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING DOLAN ROAD)

1. Landscaping and buffering along the south property line shall include:
 - a. A minimum fifteen (15) foot wide buffer;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) palm or pine tree for each twenty five (25) linear feet of frontage, 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. 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. (DRC / CO: ZONING / LANDSCAPE)

H. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING CONGRESS AVENUE)

Condition G.1 of Resolution R-96-1955, Petition 96-85 which currently states:

1. Landscaping and buffering along the south and east property lines shall be upgraded to include:
 - a. A minimum fifteen **(15)** foot wide buffer (east property line) and minimum ten **(10)** foot wide buffer (south property line);
 - b. One **(1)** canopy tree planted every twenty **(20)** feet on center;
 - c. One **(1)** palm or pine tree for each thirty **(30)** linear feet of frontage, 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 **(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 thirty-six **(36)** inches. (DRC / CO: **ZONING / LANDSCAPE**)

It is hereby amended to read:

Prior to final DRC certification, the petitioner shall be required to obtain a variance for the landscape buffer along the east property line, specifically on the reduction of width from twenty (20) feet to twelve (12) feet. (DRC: ZONING / LANDSCAPE)

I. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Conditions H.1, H.2 and H.3 of Resolution R96-1955, Petition 96-85 which currently states:

Landscaping and buffering along the west property line shall be upgraded to include:

- a. A minimum ten **(10)** 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. (DRC / CO: ZONING / LANDSCAPE)
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. (DRC / CO: ZONING / LANDSCAPE)
 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. (DRC / CO: ZONING / LANDSCAPE)

Are hereby amended to read:

1. Landscaping and buffering along the west property line shall include:
 - a. A minimum five (5) 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. (DRC / CO: ZONING / LANDSCAPE)
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 five (25) 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
 - c. 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. (DRC / CO: ZONING / LANDSCAPE)
3. Prior to final DRC certification, the petitioner shall be required to obtain a variance for the landscaping along the interior side of the required wall. (DRC/ CO: ZONING/LANDSCAPE)

J. SIGNS

1. **Freestanding point of purchase signs shall only be permitted on Congress Avenue and be limited as follows:**
 - a. **Maximum sign height, measured from finished grade to highest point - six (6) feet;**
 - b. **Maximum sign face area per side - 45 square feet;**
 - c. **Maximum number of signs - one (1); and**
 - d. **Style - monument style only. (CO: BLDG)** (Previous Condition 1.1 of Resolution R96-1955, Petition 96-85).

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. Condition J. 1 of Resolution R96-1955, Petition 96-85 which currently states:
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** 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)

~~It~~ hereby amended to read: [Reason: revised condition language]

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)



SEP 15 1998

Department of Planning,
Zoning & Building

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

TO: Willa Oswalt, Minutes Clerk
FROM: L. Martin Hodgkins, Zoning Director *fmh*
DATE: September 3, 1998
RE: Amended Conditions from the August 27, 1998
and September 1, 1998 BCC

fmh

Palm Beach County
Board of County
Commissioners

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on August 27, 1998. The following petitions were amended:

- | | |
|--------------|----------------------------|
| DOA96-85A | RECIO REZONING |
| CA97-110 | AL PACKER FORD USED TRUCKS |
| DOA95-02(A) | BONVIE MUPD - BURDINES |
| PDD98-13 | MILITARY & LANTANA MUPD |
| Z98-42 | SOUTHERN RETAIL |
| CA98-43 | MERKERT FAMILY MAUSOLEUM |
| PDD98-10 | TURNER MUPD |
| DOA81-152(D) | BOYNTON TRAIL CENTRE |

The conditions of this resolution are true and correct and reflect the changes approved by the Board of County Commissioners on September 1, 1998. The following petition was amended:

- | | |
|---------|------------------|
| CA98-34 | COUNTRY PURSUITS |
|---------|------------------|

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

F:\COMMON\WPDATA\PROD\BCC\1998\CONDITIO.MEM