

RESOLUTION NO. R-99-14

RESOLUTION APPROVING ZONING PETITION EAC75-068(T)
DEVELOPMENT ORDER AMENDMENT
PETITION OF PALM BEACH COUNTY FD&O
BY JIM BARNES, AGENT
(LOGGERS RUN PUD - FIRE STATION 56)

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 EAC75-068(T) was presented to the Board of County Commissioners at a public hearing conducted on January 7, 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 EAC75-068(T), the petition of Palm Beach County FD&O, by Jim Barnes, agent, for a Development Order Amendment/Expedited Application Consideration (EAC) to redesignate land uses and modify master plan 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 January 7, 1999, 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 Newell and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 7, 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

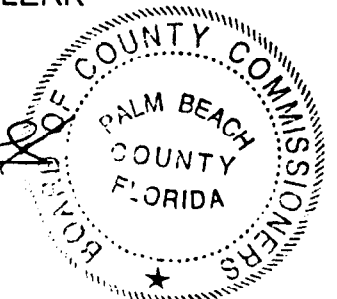


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION PARCEL NO. 1 (OVERALL PARCEL)

KNOW ALL MEN BY THESE PRESENTS THAT ORIOLE HOMES CORP., A FLORIDA CORPORATION, OWNER OF THE LAND SHOWN HEREON AS HITCHIN' POST PARK, BEING A REPLAT OF PORTIONS OF TRACTS X, Y AND S-II. BOUNDARY PLAT OF ORIOLE COUNTRY, RECORDED IN PLAT 800K 32, PAGES 175 THROUGH 180, PUBLIC RECORDS OF PALM BEACH COUNTY AND LYING IN SECTIONS 14.15. 22 AND 23. TOWNSHIP 47 SOUTH, RANGE 41 EAST. PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 23. THENCE SOUTH $01^{\circ}12'07''$ EAST ALONG THE WEST LINE OF SAID SECTION 23 FOR 104.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH $89^{\circ}44'51''$ WEST ALONG THE SOUTHERLY BOUNDARY OF SAID TRACT Y FOR 2020.83 FEET; THENCE NORTH $65.50'51''$ EAST FOR 1046.62 FEET TO A POINT OF CURVATURE: THENCE NORTHEASTERLY ALONG A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 6463.45 FEET, A CENTRAL ANGLE OF $16^{\circ}24'51''$ FOR AN ARC DISTANCE OF 1851.67 FEET, THE LAST TWO MENTIONED COURSES BEING COINCIDENT WITH THE NORTHERLY BOUNDARY OF SAID TRACT Y; THENCE NORTH $40^{\circ}55'17''$ WEST ALONG THE WESTERLY BOUNDARY OF SAID TRACT S-II FOR 426.01 FEET TO TRACT Z-I OF SAID BOUNDARY PLAT OF ORIOLE COUNTRY AND TO A POINT ON THE NEXT DESCRIBED CURVE, SAID POINT BEARS SOUTH $40^{\circ}32'30''$ EAST FROM THE RADIUS POINT; THENCE NORTHEASTERLY ALONG A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 6037.45 FEET, A CENTRAL ANGLE OF $00^{\circ}45'33''$ FOR AN ARC DISTANCE OF 80.00 FEET ALONG SAID TRACT Z-I; THENCE SOUTH $40^{\circ}55'17''$ EAST FOR 808.91 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CIRCULAR CURVE TO THE RIGHT. HAVING A RADIUS OF 1738.40 FEET, A CENTRAL ANGLE OF $07^{\circ}14'16''$ FOR AN ARC DISTANCE OF 219.60 FEET, THE LAST TWO MENTIONED COURSES BEING COINCIDENT WITH THE EASTERLY BOUNDARY SAID TRACT S-II; THENCE SOUTH $56.18'59''$ WEST RADIALLY TO THE LAST AND NEXT DESCRIBED CURVE FOR 80.00 FEET; THENCE SOUTHEASTERLY ALONG A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1658.40 FEET; A CENTRAL ANGLE OF $01^{\circ}10'51''$ FOR AN ARC DISTANCE OF 34.18 FEET; THENCE SOUTH $57^{\circ}29'50''$ WEST FOR 75.00 FEET; THENCE SOUTH $32^{\circ}30'10''$ EAST FOR 50.00 FEET; THENCE SOUTH $57.29'50''$ WEST ALONG A PORTION OF THE NORTHERLY BOUNDARY OF TRACT X FOR 307.17 FEET TO A POINT OF CURVATURE: THENCE SOUTHWESTERLY ALONG A CIRCULAR CURVE TO THE RIGHT. HAVING A RADIUS OF 840.19 FEET. A CENTRAL ANGLE OF $28^{\circ}30'44''$ FOR AN ARC DISTANCE OF 418.11 FEET TO A POINT OF TANGENCY; THENCE SOUTH $86^{\circ}00'34''$ WEST FOR 130.00 FEET: THENCE SOUTH $00^{\circ}15'09''$ EAST FOR 536.08 FEET: THENCE SOUTH $89^{\circ}44'51''$ WEST ALONG THE SOUTHERLY BOUNDARY OF TRACT Y FOR 73.54 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINING 35.863 ACRES, MORE OR LESS.

LEGAL DESCRIPTION PARCEL NO. 2 (TRACT D)

A PORTION OF TRACT Y. BOUNDARY PLAT OF ORIOLE COUNTRY RECORDED IN PLAT BOOK 32. PAGES 175 THROUGH 180, PUBLIC RECORDS OF PALM BEACH COUNTY AND LYING IN SECTIONS 15 AND 22. TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 23. THENCE $S01^{\circ}12'07''E$ ALONG THE WEST LINE OF SAID SECTION 23 FOR 104.50 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF SAID TRACT Y; THENCE $S89^{\circ}44'51''W$ ALONG SAID SOUTH BOUNDARY LINE OF TRACT Y FOR 1047.21 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID BOUNDARY LINE $S89^{\circ}44'51''W$ FOR 392.44 FEET; THENCE $N00^{\circ}15'09''W$ FOR 257.54 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF TRACT Y: THENCE $N65^{\circ}50'51''E$ ALONG SAID NORTHERLY BOUNDARY FOR 365.98 FEET; THENCE $S24^{\circ}09'08''E$ FOR 142.76 FEET; THENCE $S00^{\circ}15'09''E$ FOR 275.30 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINING 3.00 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

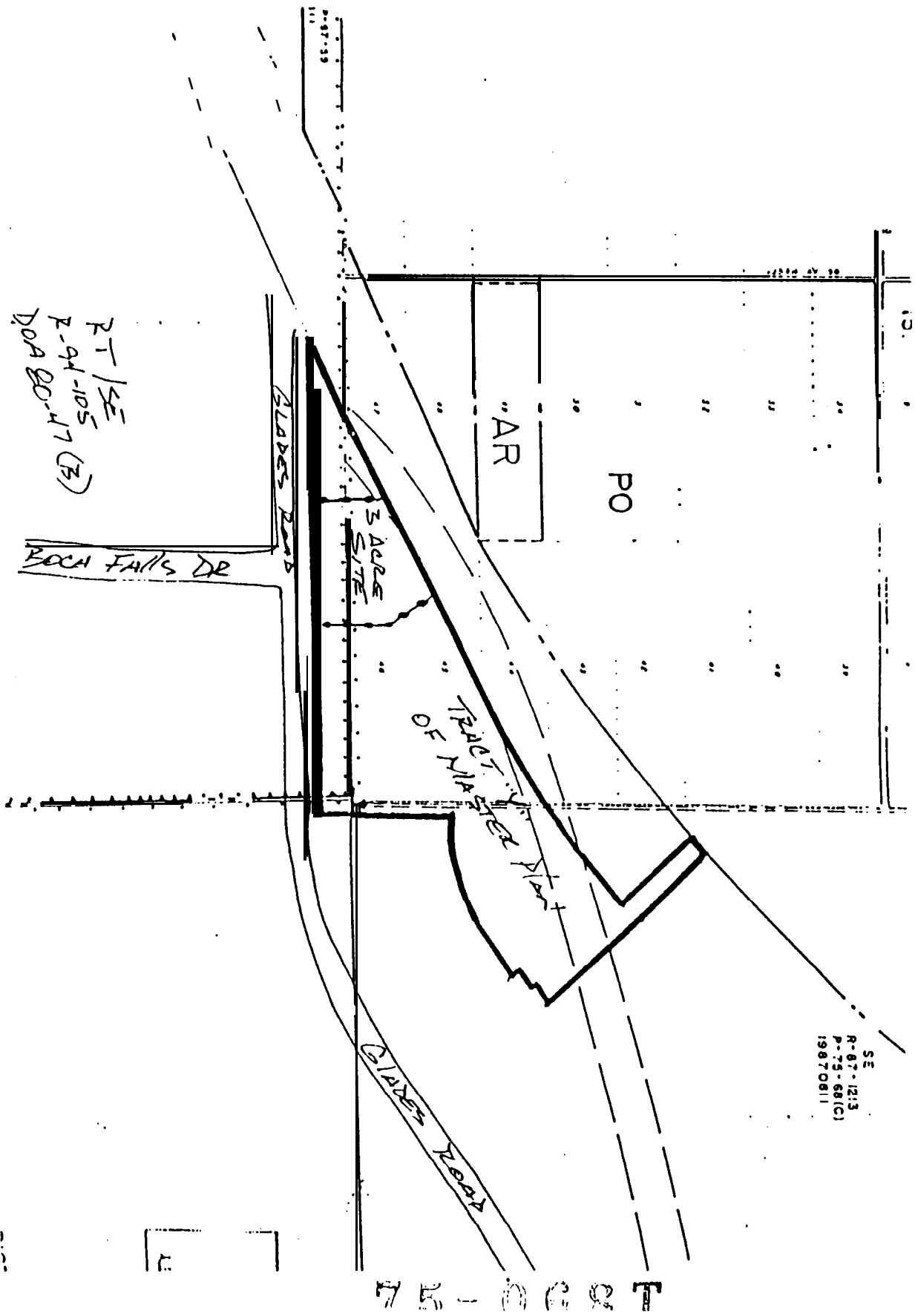


EXHIBIT C

CONDITIONS OF APPROVAL

Note: The following conditions of approval are limited to the proposed Fire Station located within Tract Y as shown on the master plan.

A. ALL PETITIONS

1. Development of the site is limited to Fire-rescue purposes only and the site design as approved by the Board of County Commissioners. The approved site plan is dated October 28, 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. BUILDING AND SITE DESIGN

1. The maximum height for all structures, measured from finished grade to highest point, shall not exceed Thirty (30) feet. The maximum height limitation shall not apply to on-site emergency communication equipment or antenna. (BLDG PERMIT: BLDG - Zoning)
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)

C. LANDSCAPING - STANDARDS

1. Fifty percent (50%) of all canopy trees required to be planted on site by this approval shall meet the following minimum standards at time of 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. All palms required to be planted on site by this approval shall be booted Sabal Palms and meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; (CO: LANDSCAPE - Zoning)
3. Credit may be given for existing or relocated native plant material provided they meet current ULDC requirements. (CO: LANDSCAPE)

D. LANDSCAPING ALONG ALL PROPERTY LINES

1. Landscaping and buffering along all property lines shall be upgraded to include:
 - a. One (1) canopy tree planted for every twenty (20) linear feet of property line;
 - b. One (1) palm or pine tree planted for every thirty (30) linear feet of property line with maximum sixty (60) feet between clusters. (CO: LANDSCAPE)

E. ENGINEERING

1. The Property owner shall construct a left turn lane west approach on Glades Road at the projects entrance road.
 - A) This construction shall be concurrent with the paving and drainage improvements for the site and shall be completed within the existing pavement taper adjacent to the site. Pavement markings shall be applied by "grinding out" the existing pavement markings prior to new pavement markings being installed in accordance with the County Engineers approval. Any and all costs associated with the construction shall be paid by the property owner.
 - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

F. LANDSCAPING ALONG NORTH AND SOUTH PROPERTY LINES (RIGHT OF WAY FRONTAGES)

1. Landscaping and buffering along the north and south property lines shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. An undulating two (2) to three (3) foot high berm with an average height of two and a half (2½) feet. (CO: LANDSCAPE)

G. LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES

1. Landscaping and buffering along the north, east and west property lines shall include:
 - a. A six (6) foot high black, vinyl-coated chain link fence located on the inside edge of the buffers;
 - b. All landscaping shall be installed on the exterior side of the required fence. (CO: LANDSCAPE)

H. 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)