

RESOLUTION NO. R-99- 333

RESOLUTION APPROVING ZONING PETITION CA98-57  
CLASS A CONDITIONAL USE  
PETITION OF WEAVER DEVELOPMENT CORP.  
BY JAMES BARRETTA, AGENT  
(BOYNTON BEACH YMCA)

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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; 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 CA98-57 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 1999; 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 recommendations of the Zoning Commission; 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 (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, 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 Class A Conditional Use, 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 CA98-57, the petition of Weaver Development Corp., by James Barretta, agent, for a Class A Conditional Use (CA) to allow a nonprofit assembly, institutional with accessory indoor and outdoor recreational uses in the Residential Single Family (RS) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 25, 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 Roberts and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on February 25, 1999.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

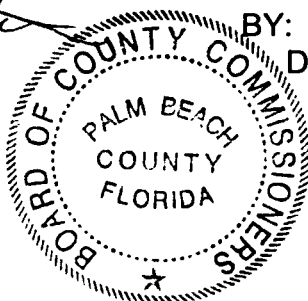
BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

Petition CA98-57  
Project No. 5502-000



## EXHIBIT A

### LEGAL DESCRIPTION

A certain parcel of land lying in the Southwest Quarter (**SW 1/4**) of Section 24, Township 45 South, Range 42 East, Palm Beach County, Florida, described as follows:

Commencing at the Southwest corner of the said Southwest Quarter of Section 24, run thence North **00°00'00"** East along the West line of the said Southwest Quarter (**SW 1/4**), a distance of 1422.74 feet to the centerline of Old Boynton West Road; thence North **90°00'00"** East along said centerline, a distance of 490.00 feet; thence North **00°00'00"** East (departing from said centerline), a distance of 40.00 feet to a point on the North right-of-way line of said Old Boynton West Road and the POINT OF BEGINNING, thence, from said POINT OF BEGINNING, South **90°00'00"** West along said North right-of-way line, a distance of 345.00 feet to the Point of Curvature of a curve concave Northeasterly having a radius of **85.00** feet; thence Northwesterly continuing along said North right-of-way line and along the arc of said curve through a central angle of **90°00'00"**, a distance of 133.52 feet to the Point of Tangency, said point also being a point on the East right-of-way line of Military Trail (said East right-of-way line also being a line 60.00 feet East of and parallel with the said West line of the Southwest Quarter (**SW 1/4**) of said section 24); thence North **00°00'00"** East along said East right-of-way line and said parallel line to a point on the North line of the said Southwest Quarter (**SW 1/4**), a distance of **1091.73** feet; thence North **89°55'55"** East along said North line of the Southwest Quarter (**SW 1/4**) (departing from said East right-of-way line of Military Trail), a distance of 430.00 feet; thence South **00°00'00"** East (departing from said North line of the Southwest Quarter (**SW 1/4**), **along a line parallel to and 490.00 feet East of the said West line of the Southwest Quarter (SW 1/4) of Section 24, a distance of 1177.24 feet to the POINT OF BEGINNING.**

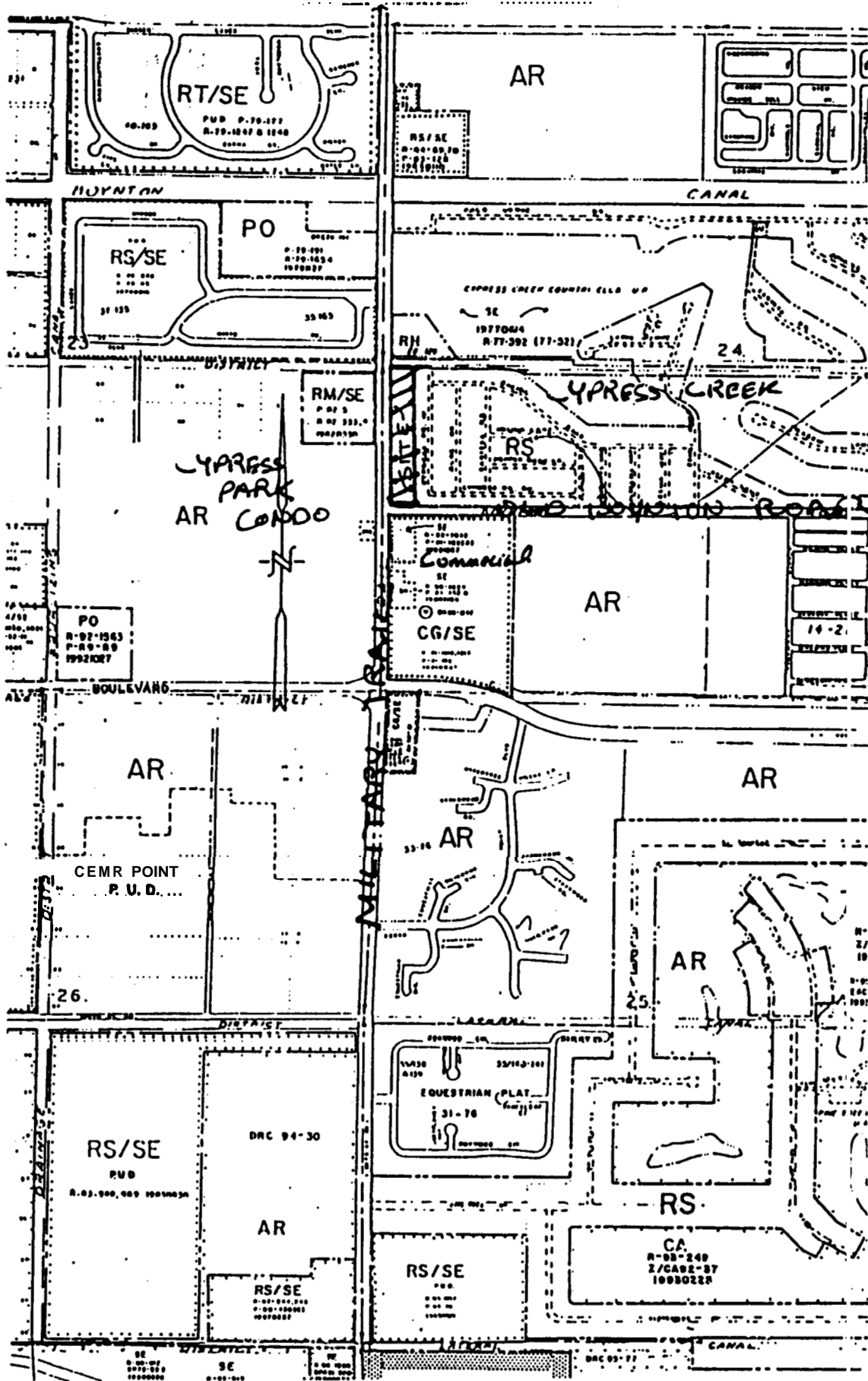
Less those portions of land described in Official Record Book 5206, page 146, Public Records of Palm Beach County, Florida.

Subject to the existing fifty-six (56) foot easement for the Lake Worth Drainage District Lateral No. 23 Canal conveyed to the district as recorded in Official Record Book 3548, page 1381, in the Public Records of Palm Beach County, Florida.

Containing 11.583 acres, more or less.

Subject to a proposed 5 foot wide wall, fence and landscape easement of the East 5 feet of the above described parcel.

EXHIBIT B  
VICINITY SKETCH



## 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 February 17, 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. ARCHITECTURAL CONTROL

1. Architectural character and treatment shall be provided on all sides of the building. These features shall include, but are not limited to, the following:
  - a. Varied roof lines within the same building. All roof lines shall not run in continuous place for more than one hundred fifty (150) feet without offsetting or jogging the roof plan. The jog shall be a minimum of five (5) feet in depth;
  - b. Varied window treatments (i.e. transoms, glass block, window types, trims, etc.);
  - c. Contrasting shapes and forms within the building mass including offsetting of vertical or horizontal planes;
  - d. Focal points or points of interest (i.e. cupolas, loggias, entrances, vertical elements, chimneys, etc.); and
  - e. Varied architectural details (i.e. columns, pilasters, vents decorative trims and moldings, stucco or horizontal banding, decorative railings decorative accent tiles, etc.). (DRC: ZONING- BLDG PERMIT: Bldg)

#### C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 60,098 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 minimum setback for all structures adjacent to the east property line shall be eighty (80) feet. (DRC: ZONING)
3. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (BLDG PERMIT: BLDG - Zoning)
4. The minimum setback for the outdoor playfield and all accessory recreational equipment shall be fifty (50) feet from the north and east property lines. (DRC: ZONING)

#### D. DUMPSTER

1. 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 fifty (50) feet of the north and east property lines and shall be relocated to an area adjacent to the primary structure. (DRC / ONGOING: ZONING / CODE ENF)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Old Boynton West Road and Military Trail to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
2. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
  - a. Old Boynton West Road, **44** feet from centerline; and,
  - b. Military Trail **64** feet from centerline.

This additional right of way shall be conveyed on or before , **April 1, 2010** or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developers 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 as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)

3. The Property owner shall construct a left turn lane west approach on Old Boynton West Road at 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.
  - 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)

4. **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 Military Trail right-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 owners 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)

5. Prior to DRC approval, the site plan shall be revised to align the entrance of the project, onto Military Trail, with the existing median opening. (DRC: ENG)

F. LANDSCAPING NORTH PROPERTY LINE ADJACENT TO THE LWDD -023 CANAL AND SOUTH PROPERTY LINE ADJACENT TO OLD BOYNTON WEST ROAD:

1. Landscaping and buffering along the north property line across from residential and south property line adjacent to Old Boynton West Road shall include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. A continuous two (2) foot high berm measured from top of curb;
  - c. One (1) canopy tree for each twenty-five (25) linear feet of frontage with a maximum spacing of thirty (30) feet on center;
  - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and
  - e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG EAST PROPERTY LINE ADJACENT TO RESIDENTIAL:

1. Landscaping and buffering along the east property line adjacent to residential shall include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. One (1) canopy tree for each twenty-five (25) linear feet of frontage with a maximum spacing of thirty (30) feet on center;
  - c. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and,

- d. Twenty four **(24)** inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four **(24)** inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG WEST PROPERTY LINE ADJACENT TO MILITARY TRAIL

- 1. Landscaping and buffering along the west property line adjacent to Military Trail 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 for each twenty **(20)** linear feet of frontage with a maximum spacing of twenty-five **(25)** feet on center;
  - d. One **(1)** palm or pine tree for each twenty-five **(25)** linear feet, with a maximum spacing of sixty (60) feet on center between clusters. An additional group of three or more palm or pine trees may supersede the requirement for **25%** of the canopy trees in that location; and,
  - e. Twenty four **(24)** inch high shrub or hedge material installed on the plateau of the berm when feasible. Shrub or hedge material shall be spaced no more than twenty four **(24)** inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

I. LANDSCAPING - INTERIOR

- 1. Foundation plantings or grade level planters shall be provided along all the facades of all structures on site 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)

J. 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 **12:00** p.m., excluding security lighting only. (ONGOING: CODE ENF)
- 4. The minimum setback for all outdoor lighting fixtures shall be fifty (50) feet from the east property line. (CO: BLDG - Zoning)



K. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO : MONITORING - Eng)

L. PLANNING

1. Prior to final site plan approval, the site plan shall indicate street cross sections which include a landscaped pathway/sidewalk system along Military Trail in order to provide shade/canopy for the pedestrian walkway. (DRC: LANDSCAPE-Planning)
2. Prior to final site plan approval, the site plan shall indicate cross sections which provide for shade trees with a minimum 3" trunk diameter installed a minimum of 50 foot on center, along the interior pedestrian paths and sidewalks shown on the approved site plan. (DRC: LANDSCAPE-Planning)

M. SIGNS

1. Freestanding point of purchase signs fronting on Military Trail shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - 80 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only. (CO: BLDG)
2. Freestanding point of purchase signs fronting on Old Boynton West Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - 60 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only. (CO: BLDG)
3. All off premise signs and billboards shall be removed from the site prior to final Certificate of Occupancy. (CO : MONITORING)

4. Nowall signs shall be permitted on the north or east facades of the structures. (CO: BLDG)

N. 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)