

RESOLUTION NO. R-99-1140

RESOLUTION APPROVING ZONING PETITION EAC97-087(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF DAVID PALMER
BY WILLIAM LOCKER, AGENT
(PALMER PROPERTY)

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 EAC97-087(A) was presented to the Board of County Commissioners at a public hearing conducted on June 29, 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 EAC97-087(A), the petition of David Palmer, by William Locker, agent, for a Development Order Amendment/Expedited Application Consideration (EAC) to delete Condition E.2 of Resolution R-98-561 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 June 29, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

The motion was seconded by Commissioner McCarty 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	-	Absent
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 June 29, 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

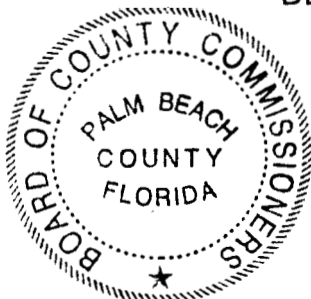


EXHIBIT A
LEGAL DESCRIPTION

THE EAST 132 FEET OF THE WEST 528 FEET OF THE NORTH
HALF OF TRACT 67, BLOCK 5, PALM BEACH FARMS COMPANY
PLAT #3, ACCORDING TO THE PLAT THEREOF ON FILE IN
THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND
FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGES
45 TO 54, INCLUSIVE.

EXHIBIT B
VICINITY SKETCH

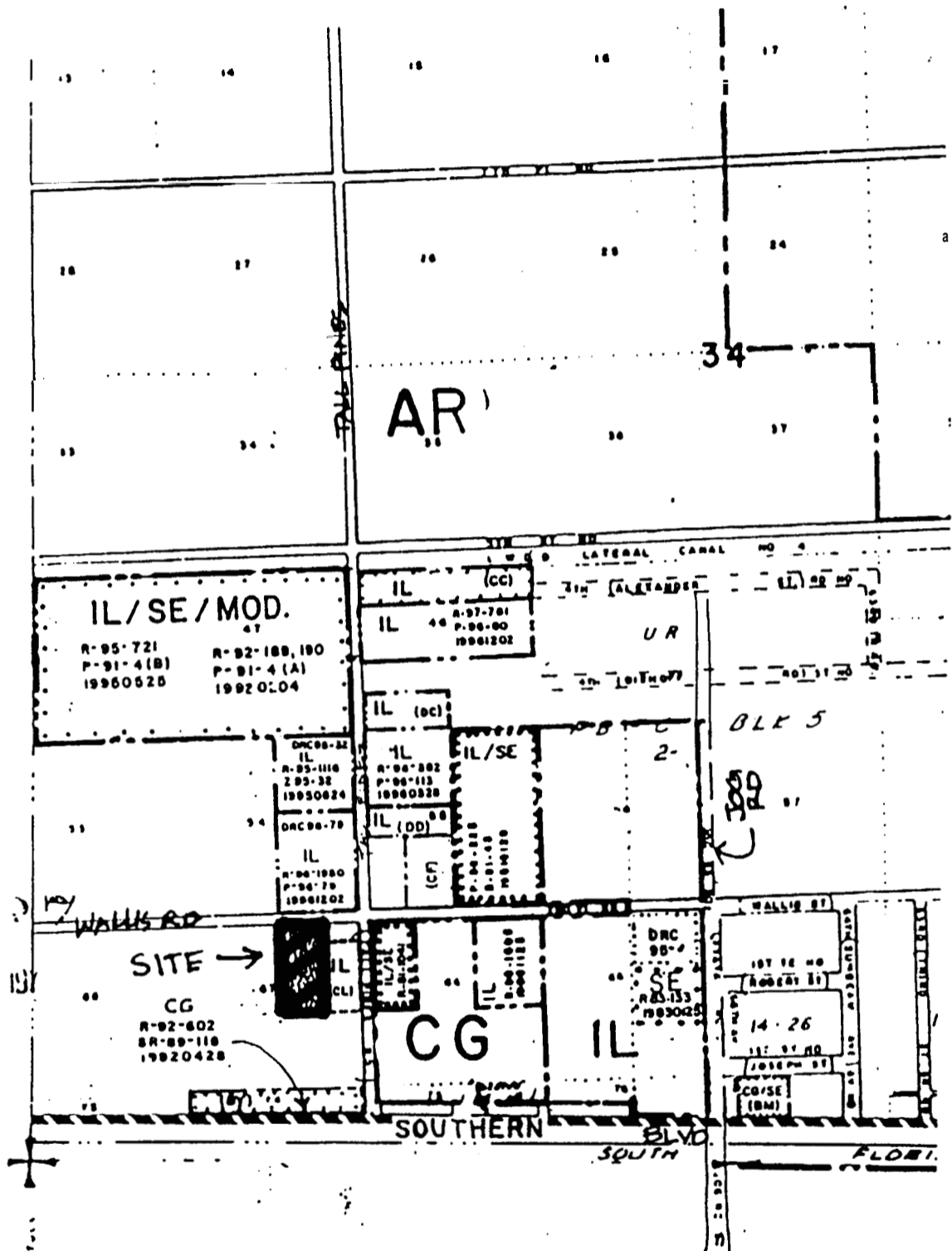


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous voluntary commitments are shown in BOLD and will be carried forward with this petition as conditions of approval unless expressly modified.

A. ALL PETITIONS

1. **All** previous voluntary commitments applicable to the subject property, as contained in Resolutions R-98-561 (Petition 97-87) 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. Voluntary Commitment A.1 of Resolution R-98-561, Petition 97-87, 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 December **18, 1997**. **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.

Is hereby amended to read:

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 20, 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. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof treatment, shall be **provided** on all sides of the buildings. (Previously Voluntary Commitment B.1 of Resolution R-98-561, Petition 97-87) (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. Exterior storage areas shall be completely screened from view **from** all residential property lines. The screening may be done by integrating the storage areas into the building architectural design **or** by appropriate landscaping. (Previously Voluntary Commitment C.1 of Resolution R-98-561, Petition 97-87) (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. (Previously Voluntary Commitment C.2 of Resolution R-98-561, Petition 97-87) (CO: BLDG - Zoning)

3. 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 south and west propertyline. (Previously Voluntary Commitment C.3 of Resolution R-98-561, Petition 97-87) (DRC/ONGOING: ZONING / CODE ENF)
4. **No** barbed or razor wire shall be permitted on the site. (Previously Voluntary Commitment C.4 of Resolution R-98-561, Petition 97-87) (CO/ONGOING: BLDG -Zoning/CODE ENF)

D. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (ADJACENT TO RESIDENTIAL)

1. Landscaping and buffering along the above referenced property lines shall be upgraded to include:
 - a. A minimum ten **(10)** foot wide landscape buffer strip;
 - b. **A six (6)** foot high opaque fence or chain link fence; and,
 - c. Thirty-six **(36)** inch high shrub or hedge material installed exterior to the required fence and spaced no more than twenty four **(24)** inches on center at installation. The shrub or hedge is to be maintained at a minimum height of seventy-two **(72)** inches if a chain link fence is used and a minimum height of thirty-six **(36)** inches if an opaque fence is used. (Previously Voluntary Commitment D.1 of Resolution R-98-561, Petition 97-87)(CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the interior side of the required wall or fence:
 - a. One **(1)** canopy tree planted every twenty **(20)** feet on center. (Previously Voluntary Commitment D.2 of Resolution R-98-561, Petition 97-87)(CO: LANDSCAPE)

E. ENGINEERING

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 Wallis Road, **30** 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. (Previously Voluntary Commitment E.1 of Resolution R-98-561, Petition 97-87) (DATE/BLDG PERMIT: MONITORING - Eng)

2. Voluntary Commitment E.1 of Resolution R-98-561, Petition 97-87, which currently states:

The Property owner shall construct Wallis Road from Tall Pines Road west to the projects entrance. Construction shall be to collector street standards, minimum **2-12** foot travel lanes, including valley gutter.

- 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, utility relocations.
- 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)

Is hereby deleted. [Reason: No longer required by Engineering Department]

F. HEALTH

- 1. Unless a waiver is granted by the Palm Beach County Health Department, the petitioner must connect to public sewer prior to the issuance of a certificate of occupancy. (CO: HEALTH/BLDG)

G. LANDSCAPING ALONG NORTH PROPERTY LINE (ADJACENT TO R-O-W)

- 1. Landscaping and buffering along Wallis Road shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip clear of the ultimate right-of-way or the base building line as determined by the County Engineer;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - 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 thirty-six (36) inches; and,
 - d. A fence as required by the PBIA-O Advisory Committee (Condition H.1) to be located interior to (south of) the landscaping materials. (Previously Voluntary Commitment F 1 of Resolution R-98-561, Petition 97-87) (CO: LANDSCAPE)

H. LIGHTING

- 1. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (Previously Voluntary Commitment G.1 of Resolution R-98-561, Petition 97-87) (CO: BLDG-Zoning)
- 2. All outdoor lighting shall be extinguished no later than 9:00 p.m., excluding security lighting only. (Previously Voluntary Commitment G.2 of Resolution R-98-561, Petition 97-87) (ONGOING: CODE ENF)
- 3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (Previously Voluntary Commitment G.3 of Resolution R-98-561, Petition 97-87) (ONGOING: CODE ENF)

I. PLANNING

1. Landscape buffering along the Wallis Road frontage shall consist of opaque plantings and fencing as permitted per the ULDC. The plantings shall be located on the exterior side of the fence. (Previously Voluntary Commitment H.1 of Resolution R-98-561, Petition 97-87) (CO: LANDSCAPE - Planning)
2. If vegetative shrubbery is used along the west and south property lines in conjunction with a chain link fence, the shrubbery shall attain a minimum height of 6 feet within one year of planting. (Previously Voluntary Commitment H.2 of Resolution R-98-561, Petition 97-87) (CO: LANDSCAPE - Planning)

J. SIGNS

1. **All signage** for the property, including freestanding, wall mounted and directional signs, shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (6) feet;
 - b. Maximum sign face area per side - 60 square feet;
 - c. Maximum number of signs - one (1) along Wallis Road frontage; and
 - d. Style - monument style only. (Previously Voluntary Commitment 1.1 of Resolution R-98-561, Petition 97-87) (CO: BLDG)
2. **No** off-premise signs or relocated billboards shall be permitted on the site. (Previously Voluntary Commitment 12 of Resolution R-98-561, Petition 97-87) (ONGOING/DRC: CODE ENF/ZONING)

K. USE LIMITATIONS

1. Business activity shall not be allowed on site, including deliveries, prior to 7:00 a.m. nor continue later than 9:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday with no business activity on Sunday. (Previously Voluntary Commitment J.1 of Resolution R-98-561, Petition 97-87) (ONGOING: CODE ENF)

L. 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. (Previously Voluntary Commitment K.1 of Resolution R-98-561, Petition 97-87) (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. (Previously Voluntary Commitment K.2 of Resolution R-98-561, Petition 97-87) (MONITORING)