

RESOLUTION NO. R-2004-1371

RESOLUTION APPROVING ZONING PETITION DOA2004-224
DEVELOPMENT ORDER AMENDMENT
PETITION OF YMCA OF BOCA RATON
BY LGS, AGENT
(YMCA OF BOCA RATON)

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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA2004-224 was presented to the Board of County Commissioners at a public hearing conducted on June 16, 2004; 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 2.E (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 has considered the findings in the staff report and 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 2.K.3.b 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 DOA2004-224, the petition of YMCA of Boca Raton, by LGS, agent, for a Development Order Amendment to modify/delete conditions of approval 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 16, 2004, 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 Koons and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	- Aye
Tony Masilotti, Vice Chairman	- Aye
Jeff Koons	- Aye
Warren H. Newell	- Aye
Mary McCarty	- Absent
Burt Aaronson	- Aye
Addie L. Greene	- Absent

The Chair thereupon declared that the resolution was duly passed and adopted on June 16, 2004.

Filed with the Clerk of the Board of County Commissioners on 13 day of July, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY



EXHIBIT A
LEGAL DESCRIPTION

BOCA DEL MAR NO. 4, TRACT 27 according to the Plat thereof as recorded in Plat Book 30, pages 85 & 86 of the Public Records of Palm Beach County.

Said lands situate in Palm Beach County, Florida and containing 653,420 square feet (15.00 acres), more or less.

EXHIBIT B
VICINITY SKETCH

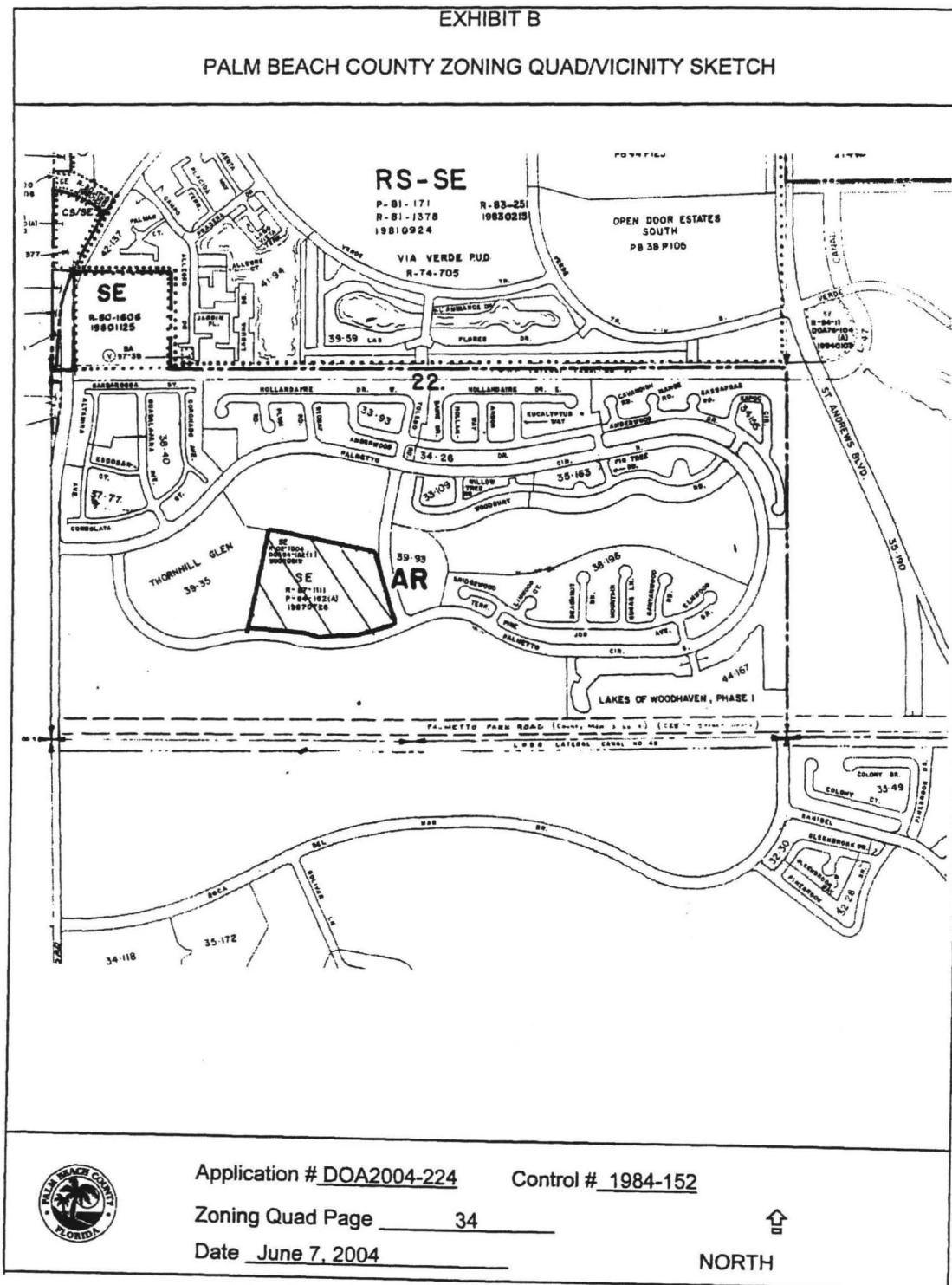


EXHIBIT C

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. Condition A.1 of Resolution R-2002-1004, Petition 1984-152(I), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-87-1111, Petition 84-152(A) (YMCA) 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.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2002-1004 (Petition 1984-152(I)), 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. Condition A.2 of Resolution R-2002-1004, Petition 1984-152(I), which currently states:

All conditions of approval contained in Resolutions R-85-288, Petition 84-152; R-88-1539, Petition 84-152(B); R-91-1466, Petition 84-152(C); R-95-107, Petition 84-152(D); R-95-115, Petition 84-152(E); R-95-1017, petition 84-152(F); R-95-1321.3, Petition 84-152(G) R-2000-1944, Petition 84-152(H); however, shall remain in full force and effect.

Is hereby deleted. Reason: [Replaced by condition A.1]

3. Condition A.3 of Resolution R-2002-1004, Petition 1984-152(I), which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master/site plan is dated June 12, 2002. 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 approved by the Board of County Commissioners. The approved master/site plan is dated June 7, 2004. 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.

B. ARCHITECTURAL CONTROL

1. **At time of submittal for final DRC certification of the site plan, the architectural elevations for all the proposed buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with the Architectural Design Guidelines adopted by the BCC on July 24, 2001. Development shall be consistent with the approved architectural elevations. (DRC: ZONING/BLDG PERMIT - Zoning) (Previous condition B.1 of Resolution R-2002-1004, Petition 1984-152(I))**
2. **The maximum height for all proposed structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning) (Previous condition B.2 of Resolution R-2002-1004, Petition 1984-152(I))**
3. **All roof or ground mounted air conditioning, mechanical equipment and satellite dishes 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) (Previous condition B.3 of Resolution R-2002-1004, Petition 1984-152(I))**

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **All existing vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM – Erm)**

D. HEALTH

1. **Architectural plans must be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13 FAC prior to issuance of a building permit. (BLDG PERMIT: HEALTH/BLDG-Health) (Previous condition C.1 of Resolution R-2002-1004, Petition 1984-152(I))**
2. **Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the property. (BLDG: HEALTH/BLDG-Health) (Previous condition C.2 of Resolution R-2002-1004, Petition 1984-152(I))**

E. ENGINEERING

No Engineering comments.

F. LANDSCAPING - STANDARD

1. **Fifty percent (50%) of the canopy trees required to be planted in the perimeter buffer 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) (Previous condition D.1 of Resolution R-2002-1004, Petition 1984-152(I))**
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) (Previous condition D.2 of Resolution R-2002-1004, Petition 1984-152(I))**
 3. **All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:**
 - a. **eighteen (18) to twenty-four (24) inches – groundcover and small shrub;**
 - b. **twenty-four (24) to thirty-six (36) inches – medium shrub;**
 - c. **forty-eight (48) to seventy-two (72) inches – large shrub; and,**
 - d. **this condition does not apply to the five (5) foot wide compatibility buffer. (CO: LANDSCAPE - Zoning) (Previous condition D.3 of Resolution R-2002-1004, Petition 1984-152(I))**
 4. **All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning) (Previous condition D.4 of Resolution R-2002-1004, Petition 1984-152(I))**
 5. **Prior to final DRO approval of the site plan, the property owner shall submit an Alternative Landscape Plan for the affected areas (Petition 1984-152(J)) along the north, south, east property lines, and the affected portions of foundation planting to the Landscape Section for review and approval of the ALP. (DRO: LANDSCAPE – Zoning)**
- G. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING ST. JUDE CHURCH)**
1. **Condition F.1 of Resolution R-2002-1004, Petition 1984-152(I), which currently states:**

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

 - a. **a minimum ten (10) foot wide landscape buffer strip;**
 - b. **one (1) native canopy tree for each thirty (30) feet of the property line; and**
 - c. **one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters.**
 - d. **One (1) 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. Credit may be given for existing or relocated shrubs provided they meet current ULDC requirements. (CO: LANDSCAPE-Zoning)**

Is hereby deleted. Reason: [Replaced by code requirements]

H. LANDSCAPING ALONG THE EAST 420 FEET OF THE SOUTH PROPERTY LINE AND THE EAST PROPERTY LINES (FRONTAGES OF PALMETTO CIRCLE SOUTH AND TOLEDO ROAD)

1. Condition G.1 of Resolution R-2002-1004, Petition 1984-152(I), which currently states:

Landscaping and buffering along the east 420 feet of the south property line and the east property lines shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. one (1) native canopy tree for each thirty (30) feet of the property line,
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- d. one (1) small shrub for each two (2) linear feet of the property line to be planted on both sides of the fence. Shrub shall be a minimum height of eighteen (18) inches at installation;
- e. one (1) large shrub for each six (6) linear feet of the property line to be planted on both sides of the fence. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE-Zoning)

Is hereby deleted. Reason: [Replaced by code requirements]

I. LANDSCAPING – INTERIOR

1. Condition H.1 of Resolution R-2002-1004, Petition 1984-152(I), which currently states:

Foundation planting or grade level planters for the new structures 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 eight (8) feet;
- b. The length of the required landscaped areas shall be no less than fifty percent (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-Zoning)

Is hereby deleted. Reason: [Code requirement and Alternative Landscape Plan]

2. **Prior to final DRC certification, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation (Slash Pines and other species) is preserved and is incorporated into the final site design. (DRC: LANDSCAPE-Zoning) (Previous condition H.2 of Resolution R-2002-1004, Petition 1984-152(I))**
3. **Along the west property line, one (1) palm or canopy tree shall be planted at twenty (20) feet on center. (CO: LANDSCAPE-Zoning) (Previous condition H.3 of Resolution R-2002-1004, Petition 1984-152(I))**
4. **Prior to final site plan certification of the site plan, the site plan shall be amended to show a focal point at both roundabouts adjacent to the new daycare/afterschool pick-up circle. The focal point shall be in the form of a fountain, raised planters with special planting treatment or similar pedestrian oriented public areas acceptable to the Public Hearing**

Section, Zoning Division. Pedestrian walkways with decorative pavement shall be provided to allow direct access to these amenities. (DRC: ZONING-Zoning) (Previous condition H.4 of Resolution R-2002-1004, Petition 1984-152(I))

J. LIGHTING

1. **All proposed outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets.** (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previous condition I.1 of Resolution R-2002-1004, Petition 1984-152(I))
2. **All proposed outdoor, freestanding lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point.** (CO: BLDG - Zoning) (Previous condition I.2 of Resolution R-2002-1004, Petition 1984-152(I))
3. **All outdoor, freestanding lighting fixtures for the ball fields and ball courts shall be setback seventy-five (75) feet from all property lines.** (DRC/BLDG PERMIT: ZONING-Zoning) (Previous condition I.3 of Resolution R-2002-1004, Petition 1984-152(I))
4. **All outdoor lighting in the parking lot shall be extinguished no later than 11:00 p.m. daily, and all athletic field lighting shall be extinguished no later than 10:00 p.m. daily. This condition shall not apply to security lighting.** (ONGOING: CODE ENF-Zoning) (Previous condition I.4 of Resolution R-2002-1004, Petition 1984-152(I))
5. **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-Zoning) (Previous condition I.5 of Resolution R-2002-1004, Petition 1984-152(I))
6. **All athletic field lighting shall be shielded and directed down and away from adjacent properties and streets. The athletic field lights shall not exceed sixty (60) feet in height, measured from finished grade to highest point.** (CO/ ONGOING: BLDG / CODE ENF - Zoning) (Previous condition I.6 of Resolution R-2002-1004, Petition 1984-152(I))

K. PARKING

1. **Prior to final DRC certification of the site plan, the petitioner shall submit an executed copy of the shared and off-site parking agreement between the property owner(s) and the St. Jude Church/School. Should the Traffic Division find the shared parking agreement unsatisfactory, the petitioner shall revise the agreement or reduce development intensity.** (DRC: ZONING/TRAFFIC/CTY ATTY- Zoning) (Previous condition J.1 of Resolution R-2002-1004, Petition 1984-152(I))
2. **Prior to final DRC certification of the site plan, the petitioner shall revise the site plan to indicate pedestrian walkway(s) that connects the west entrance of the YMCA facility to the off-site parking lot located at the property of St. Jude Church/school.** (DRC: ZONING - Zoning) (Previous condition J.2 of Resolution R-2002-1004, Petition 1984-152(I))
3. **Prior to final DRC certification of the site plan, the petitioner shall revise the site plan to indicate revision of the northwest portion of the parking lot /drop off area for the incorporation of existing slash pines.** (DRC: ZONING - Zoning) (Previous condition J.3 of Resolution R-2002-1004, Petition 1984-152(I))

L. SIGNS

1. **Should the existing signs located on Toledo Road and Palmetto Circle South be replaced and relocated. Any new freestanding point of purchase signs shall 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 - sixty (60) square feet;**
 - c. **maximum number of signs - one (1) for each road frontage;**
 - d. **style - monument style only; and,**
 - e. **Signs shall be limited to project identification only. (CO: BLDG-Zoning) (Previous condition K.1 of Resolution R-2002-1004, Petition 1984-152(I))**

M. USE LIMITATIONS

1. **The day care center shall be limited to a maximum of two hundred and fifteen (215) children. (ONGOING: HEALTH-Zoning) (Previous condition L.1 of Resolution R-2002-1004, Petition 1984-152(I))**

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) (Previous condition M.1 of Resolution R-2002-1004, Petition 1984-152(I))**
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 the Code Enforcement Special Master 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. (ONGOING: MONITORING – Zoning) (Previous condition M.2 of Resolution R-2002-1004, Petition 1984-152(I))