

RESOLUTION NO. R-2005- 1788

RESOLUTION APPROVING ZONING APPLICATION DOA2005-024  
(CONTROL NUMBER 1997-032)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF AT&T CORPORATION  
BY MOYLE, FLANIGAN, AGENT  
(SPACE PLUS)

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 Application DOA2005-024 was presented to the Board of County Commissioners at a public hearing conducted on September 22, 2005; 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 Application DOA2005-024, the petition of AT&T Corporation, by Moyle, Flanigan, agent, for a Development Order Amendment to add land area and reconfigure site 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 September 22, 2005, 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 Koons and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on September 22, 2005.

Filed with the Clerk of the Board of County Commissioners on 22nd day of September 2005.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY


PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK




EXHIBIT A  
LEGAL DESCRIPTION

TRACT 3, LESS THE SOUTH 400.00 FEET THEREOF, BLOCK 79, PALM BEACH FARMS COMPANY NO 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE OF THE PUBLIC RECORDS OF THE PALM BEACH COUNTY, FLORIDA AND LESS THE NORTH 27.72' OF SAID TRACT 3 FOR THE LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY FOR THE L-46 CANAL, AS RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

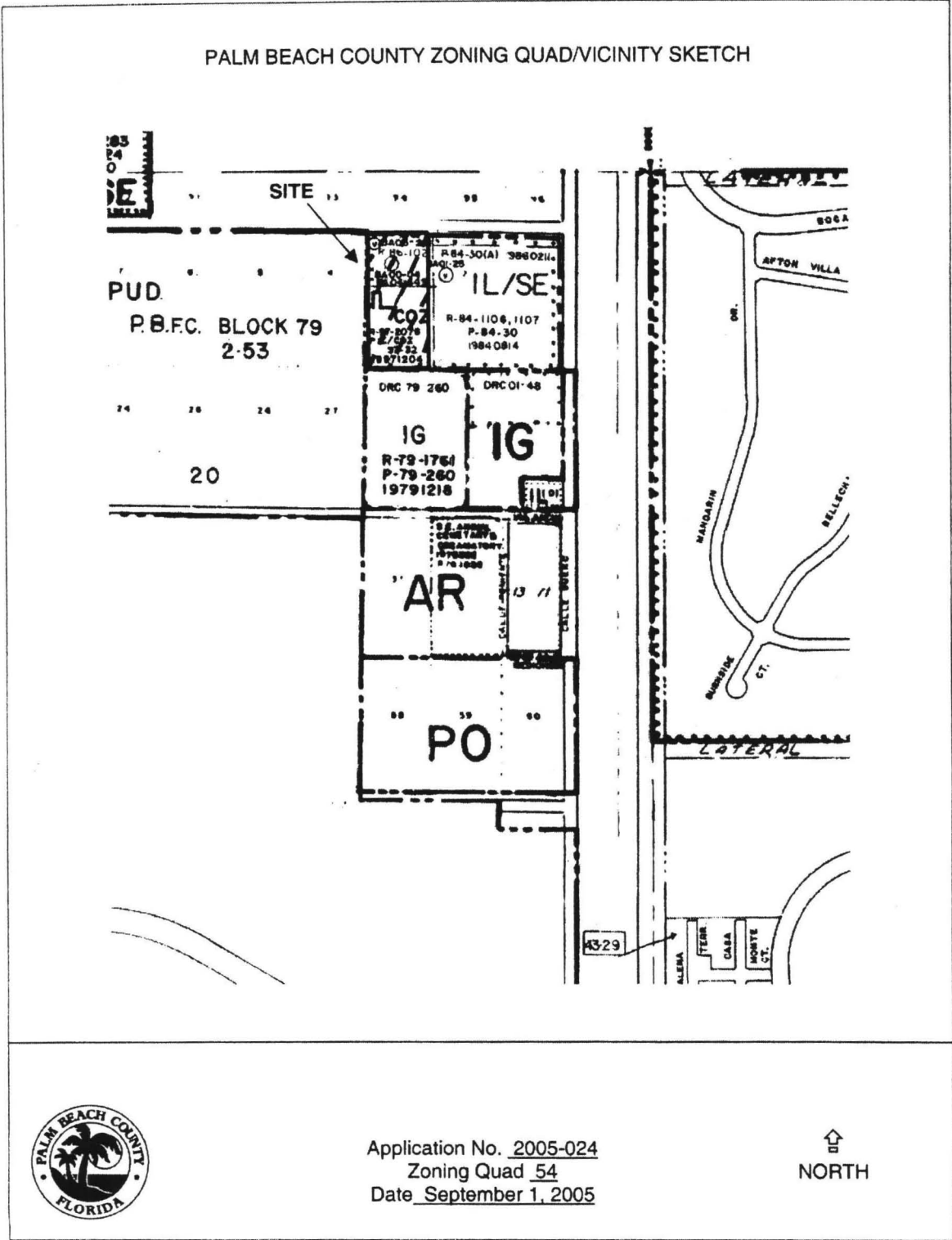
TOGETHER WITH A PARCELS DESCRIBED AS FOLLOWS:

THE SOUTH 400 FEET OF TRACT 3, BLOCK 79, PALM BEACH FARMS COMPANY NO 3, ACCODRING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE OF THE PUBLIC RECORDS OF THE PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS DESCRIBED AS FOLLOWS:

THE SOUTH 30 FEET OF THE NORTH 60 FEET OF TRACTS 1 AND 2, LESS THE SOUTH 400.00 FEET THEREOF, BLOCK 79, PALM BEACH FARMS COMPANY NO 3, ACCODRING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE OF THE PUBLIC RECORDS OF THE PALM BEACH COUNTY, FLORIDA.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### 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 July 18, 2005. 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-Zoning)
2. All previous conditions of approval applicable to the subject property, as contained in Resolution R-1997-2076 (Petition Z/COZ97-032), are hereby repealed. (ONGOING: ZONING - Zoning)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:
  - No Building Permits for the site may be issued after January 1, 2009.A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
2. The property owner shall construct:
  - a. Left turn lane south approach on Boca Rio Road at the Project's Entrance Road.
  - b. Right turn lane north approach on Boca Rio Road at the Project's Entrance Road.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. The property owner may elect to provide entrance modifications at the project entrance and Boca Rio Road in lieu of the right turn lane as required in "b" above. These entrance modifications shall be subject to the approval of the County Engineer.

- 1) Permits required by Palm Beach County for the construction in a. and b. shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
  - 2) Construction for the improvements in a. and b. above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING Eng)
3. There shall be paved access provided from Boca Rio Road to the site. All new construction shall be minimum of two (2) 12-foot travel lanes in accordance with non-plan collector street standards.
    - 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 and acquisition of any additional required right-of-way.

- 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 Completion or Certificate of Occupancy whichever occurs first. (CC/CO: MONITORING-Eng)

#### HEALTH

1. The property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF-Health)

#### UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the property owner/developer shall pay for the complete design and construction costs associated with these relocations/modifications. (DRO: UTIL-Util)

#### ZONING -LANDSCAPING-STANDARD

1. All canopy 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; and,
  - d. credit may be given for existing or relocated trees provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning)
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 or grey wood, whichever is greater;
  - 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. (BLDG PERMIT: LANDSCAPE-Zoning)
3. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning)
4. Berm height shall be measured from the nearest top of curb or the nearest finished floor elevation, whichever is higher. (BLDG PERMIT: LANDSCAPE-Zoning)

#### LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL AND LWDD L-46 CANAL)

1. In addition to ULDC requirements, landscaping and buffering requirements along the north and west property lines shall be upgraded to include:



- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. a continuous two-and one half (2.5) foot high berm. Berm height shall be measured from the nearest top of curve or the nearest finished floor elevation, whichever is higher;
- c. a six (6) foot high concrete panel wall to be located on the plateau of the berm. The finished architectural treatment shall be consistent with the color and style of the principal structure;
- d. one (1) palm for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. all plant materials required by code or by this condition shall be planted alternatively on both sides of the wall. (BLDG PERMIT: LANDSCAPE-Zoning)

#### ZONING - USE LIMITATIONS

1. Overnight storage or parking of delivery-transport vehicles or trucks shall not be permitted on site, except within designated loading and delivery (ONGOING: CODE ENF-Zoning)
2. Hours of operation for business activities open to the public, including deliveries and loading activities, shall be limited to the following:
  - a. 6:30 a.m. to 7:00 p.m. Monday through Friday; and,
  - b. 8:00 am to 5:00 p.m. Saturday. No Sunday operation shall be permitted. (ONGOING: CODE ENF - Zoning)

#### 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 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 Article 2.E 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)