

RESOLUTION NO. R-2005- 2293

RESOLUTION APPROVING ZONING APPLICATION DOA2005-986
(CONTROL NUMBER 1984-152)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF YOUNG MENS CHRISTIAN ASSOCIATION OF
SOUTH PALM BEACH COUNTY, INC.
BY MICHAEL LINET INC., 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 Application DOA2005-986 was presented to the Board of County Commissioners at a public hearing conducted on November 17, 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 DOA2005-986, the petition of Young Mens Christian Association of South Palm Beach County, Inc., by Michael Linet Inc., agent, for a Development Order Amendment to modify a condition 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 November 17, 2005, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner AARONSON moved for the approval of the Resolution.

The motion was seconded by Commissioner GREENE 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 November 17, 2005.

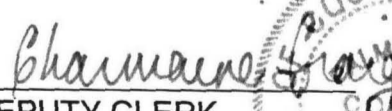
Filed with the Clerk of the Board of County Commissioners on 8TH day of DECEMBER, 2005

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK




EXHIBIT A
LEGAL DESCRIPTION

TRACTS 64 B AND 64 C, BOCA DEL MAR NO. 7, ACCORDING TO THE PLAT THEREOF; AS RECORDED IN PLAT BOOK 30, PAGES 210 THROUGH 217 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

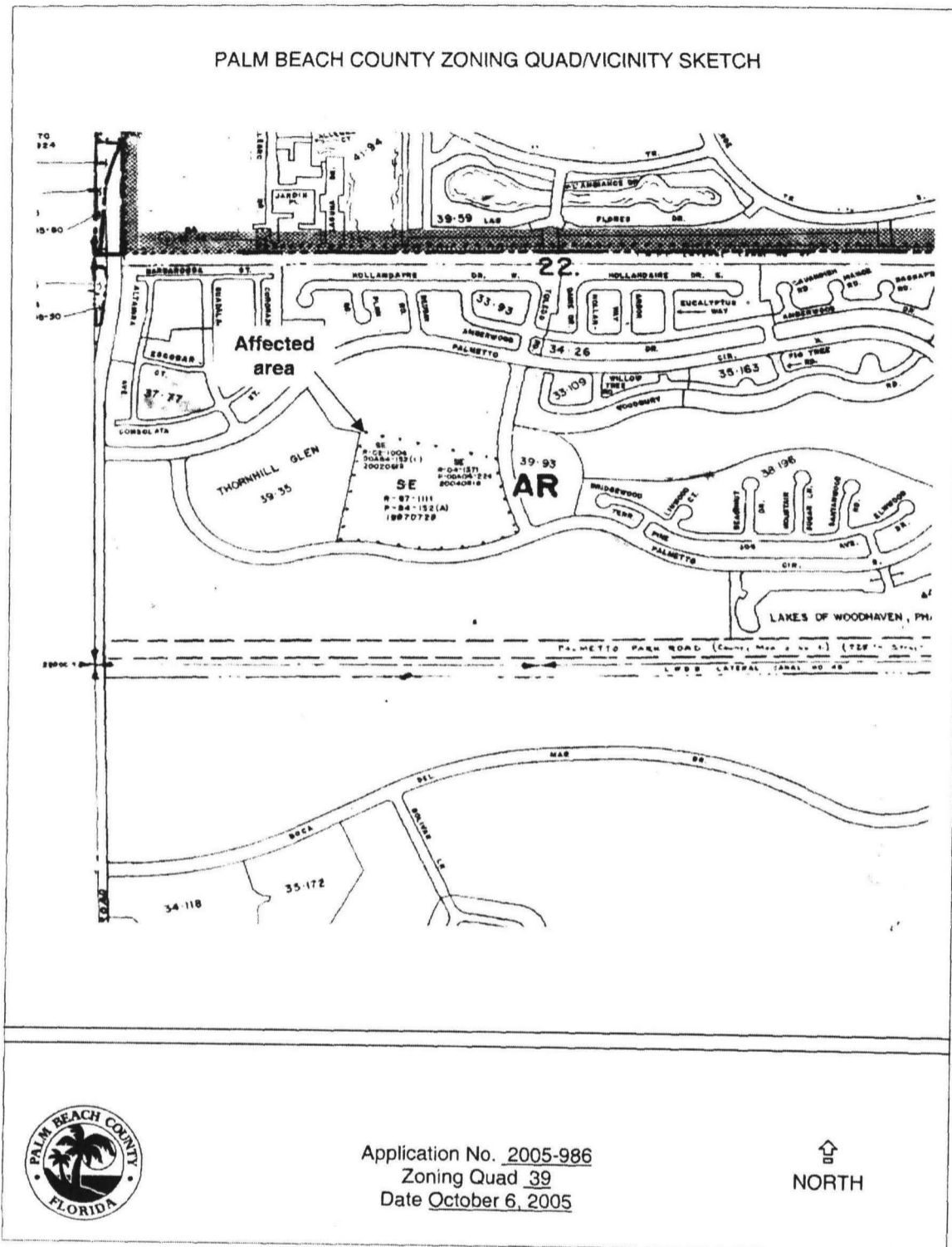


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution R-2004-1371, Petition DOA2004-224, which currently states:

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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2004-1371, (Petition DOA2004-224), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

2. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved 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. (Previous condition A.3. of Resolution R-2004-1371, Petition DOA2004-224). (DRO:ZONING-Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final DRO 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. (Previous condition B.1 of Resolution R-2004-1371, Petition DOA2004-224). (DRO/BLDG PERMIT: ZONING/BLDG- Zoning)

2. Condition B.2 of Resolution R-2004-1371, Petition DOA2004-224, which currently states:

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)

Is hereby amended to read:

The maximum height for all proposed structures, including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet, excluding a stealth communications tower a maximum of one-hundred (100) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

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. (Previous condition B.3 of Resolution R-2004-1371, Petition DOA2004-224). (CO: LANDSCAPE-Zoning)

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. (Previous Condition C.1 of Resolution R-2002-1004, Petition DOA1984-152I) (BLDG PERMIT: HEALTH/BLDG-Health)
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 DOA1984-152I). (ONGOING: HEALTH - Health)
3. Prior to Final DRO approval the property owner shall meet with staff of the Palm Beach County Health Department and provide documentation, including, but not limited to, accurate architectural plans and site plans and a complete and current site survey, to clarify all compliance issues related to operation and design of the child care facility. (DRO: HEALTH-Health)
4. Prior to Final DRO approval, the property owner shall submit a health and safety plan that details the expected changes in the physical and operational aspects of the facility and the measures that will be implemented to ensure that the health and safety of children are protected during the construction phase of the project. (DRO: HEALTH - Health)

ZONING - 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. (Previous condition F.1 of Resolution R-2004-1371, Petition DOA2004-224). (CO: 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;
 - 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) (Previously condition F.2 of Resolution R-2004-1371, Petition DOA2004-224)
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. (Previous condition F.3 of Resolution R-2004-1371, Petition DOA2004-224). (CO: LANDSCAPE - Zoning)
4. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (Previous condition F.4 of Resolution R-2004-1371, Petition DOA2004-224). (CO: LANDSCAPE - Zoning)
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 (Previous condition F.5 of Resolution R-2004-1371, Petition DOA2004-224). (DRO: LANDSCAPE Zoning).

ZONING - LANDSCAPING-INTERIOR

1. 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 (Previous condition I.2 of Resolution R-2004-1371, Petition DOA2004-224). (DRO: LANDSCAPE-Zoning)
2. Along the west property line, one (1) palm or canopy tree shall be planted at twenty (20) feet on center. (Previous condition I.3 of Resolution R-2004-1371, Petition DOA2004-224). (CO: LANDSCAPE-Zoning)
3. 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 (Previous condition I.4 of Resolution R-2004-1371, Petition DOA2004-224). (DRO: ZONING-Zoning)

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. (Previous condition J.1 of Resolution R-2004-1371, Petition DOA2004-224). (ONGOING: CODE ENF - Zoning)
2. All proposed outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (Previous condition J.2 of Resolution R-2004-1371, Petition DOA2004-224). (CO: BLDG - Zoning)
3. All outdoor, freestanding lighting fixtures for the ball fields and ball courts shall be setback seventy-five (75) feet from all property lines (Previous condition J.3 of Resolution R-2004-1371, Petition DOA2004-224). (BLDG PERMIT:BLDG-Zoning)
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. (Previous condition J.4 of Resolution R-2004-1371, Petition DOA2004-224). (ONGOING: CODE ENF-Zoning)
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) (Previously condition J.5 of Resolution R-2004-1371, Petition DOA2004-224)

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. (Previous condition J.6 of Resolution R-2004-1371, Petition DOA2004-224). (ONGOING: BLDG - Zoning)

MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the DRO. The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)
2. Prior to issuance of the first Building Permit or recordation of the Plat, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDG PERMIT/PLAT: MONITORING-Eng)

PARKING

1. Prior to final DRO 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. (Previous condition K.1 of Resolution R-2004-1371, Petition DOA2004-224). (DRO: ZONING/TRAFFIC/ CTY ATTY - Zoning)
2. Prior to final DRO 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. (Previous condition K.2 of Resolution R-2004-1371, Petition DOA2004-224). (DRO: ZONING - Zoning)
3. Prior to final DRO 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. (Previous condition K.3 of Resolution R-2004-1371, Petition DOA2004-224). (DRO: ZONING - Zoning)

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. (Previous condition L.1 of Resolution R-2004-1371, Petition DOA2004-224). (ONGOING: BLDG-Zoning)

USE LIMITATIONS

1. The day care center shall be limited to a maximum of two hundred and fifteen (215) children. (Previous condition M.1 of Resolution R-2004-1371, Petition DOA2004-224). (ONGOING: HEALTH-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. Condition N.2. of Resolution R-2002-1004, Petition 1984-152(I), which currently states:

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)

Is hereby amended to read

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)