

RESOLUTION NO. R-2006- 0007

RESOLUTION APPROVING ZONING APPLICATION DOA2005-1129  
(CONTROL NUMBER 2002-033)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF ROYALL WALL SYSTEMS, INC.  
BY BASEHART CONSULTING, INC., AGENT  
(ROYALL WALL SYSTEMS)

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 DOA2005-1129 was presented to the Board of County Commissioners at a public hearing conducted on January 5, 2006; 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 DOA2005-1129, the petition of Royall Wall Systems, Inc., by Basehart Consulting, Inc., 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 January 5, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Greene moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson 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	-	Absent
Jeff Koons	-	Absent
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 5, 2006.

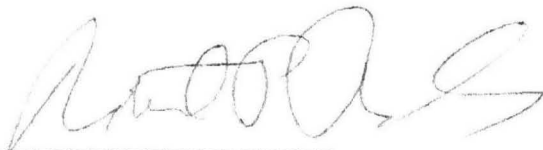
Filed with the Clerk of the Board of County Commissioners on 5th day of January, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

LEGAL DESCRIPTION

TRACTS 14 AND 23, BLOCK 6, (LYING NORTH AND WEST OF THE FLORIDA STATE TURNPIKE RIGHT-OF-WAY), PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45-54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

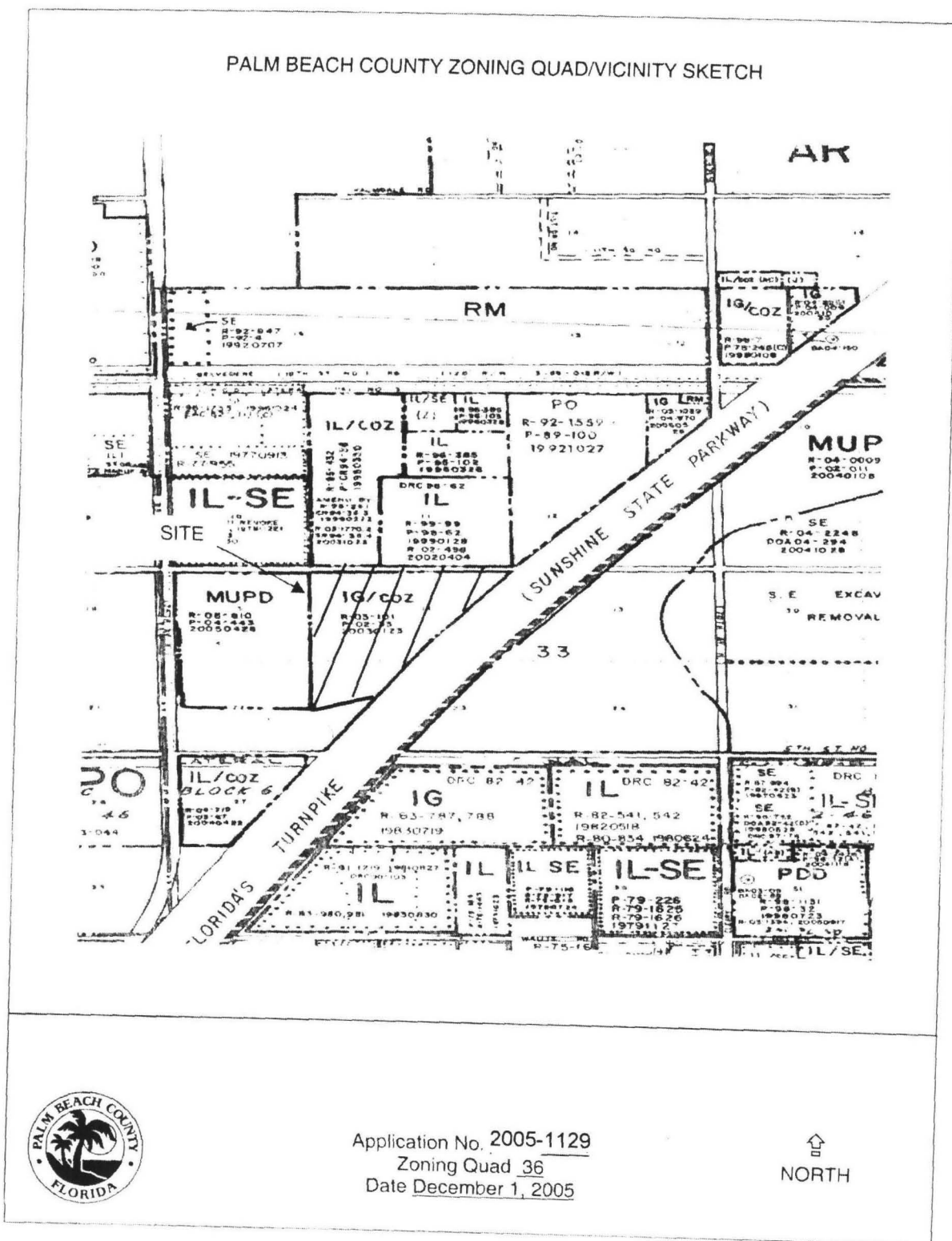
LESS THE FOLLOWING:

1. RIGHT-OF-WAY OF THE FLORIDA STATE TURNPIKE DESCRIBED IN LIS PENDENS BOOK 25, PAGES 582-584, REFERRED TO AS PARCEL 39
2. ADDITIONAL FLORIDA STATE TURNPIKE RIGHT-OF-WAY DESCRIBED IN ORDER OF TAKING, AS RECORDED IN OFFICAL RECORD BOOK 10348, PAGE 1568

CONTAINING: 13.99 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2003-0101 (Petition 2002-033), 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. Condition A.1. of Resolution R2002-0101, Petition 2002-033, 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 November 1, 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. (ONGOING: ZONING-Zoning)

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 March 26, 2003. 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)

#### ENGINEERING

1. The property owner shall convey to Palm Beach County Land Development Division by warranty deed for 7th Place North, 40 feet from centerline on or before October 15, 2003, 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. Developer 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.

Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips". (Previous Condition E.1. of Resolution R2003-0101, Petition Z2002-033) (DATE/BLDG. PERMIT: MONITORING-ENG) [Note: Completed]

2. The Property owner shall construct 7th Place North from the Project's east entrance west to Pike 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. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way, and required road drainage.
  - 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. (Previous Condition E.2. of Resolution R2003-0101, Petition Z2002-033) (CO: MONITORING-ENG) [Note: Completed]
3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
    - a. No building permits shall be issued until the contract has been awarded for construction of Southern Blvd from State Road 7 to Haverhill Rd to an 8-lane divided cross section. (BLDG PERMIT: MONITORING-Eng) [Note: Completed]
    - b. No Building Permits shall be issued after December 31, 2004. 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 Section 5.8 of the Unified Land Development Code. (Previous Condition E.3. of Resolution R2003-0101, Petition Z2002-033) (DATE: MONITORING-Eng)

#### HEALTH

1. 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)

#### ZONING - LANDSCAPING- – STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
  - a. tree height: Fourteen (14) feet;
  - b. trunk diameter: 3.5 inches measured at 4.5 feet above grade;
  - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
  - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (Previous Condition B.1. of Resolution R-2003-0101, Petition Z2002-033) (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. (Previous Condition B.2. of Resolution R-2003-0101, Petition Z2002-033) (CO: LANDSCAPE - Zoning)
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 or where a single row of hedge is required on one or both sides of the wall. (Previous Condition B.3. of Resolution R-2003-0101, Petition Z2002-033) (CO: LANDSCAPE - Zoning)
4. All trees, palms shall be planted in a meandering and naturalistic pattern. (Previous Condition B.4. of Resolution R-2003-0101, Petition Z2002-033) (CO: LANDSCAPE - Zoning)
  5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (Previous Condition B.5. of Resolution R-2003-0101, Petition Z2002-033) (CO: LANDSCAPE - Zoning)

ZONING - LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF 7TH PLACE NORTH)

1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip;
  - b. a continuous two (2) foot high berm measured from top of curb; and
  - c. one (1) canopy tree planted for each thirty (30) linear feet of the property line;
  - d. 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;
  - e. one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation; and,
  - f. one (1) large shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and shall be maintained at a minimum height of seventy-two (72) inches at maturity. (Previous Condition C.1. of Resolution R-2003-0101, Petition Z2002-033) (CO: LANDSCAPE-Zoning)

ZONING - LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING INDUSTRIAL)

1. Condition D.1. of Resolution R-2003-0101, Petition Z2002-033 which currently states:

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

- a. a minimum five (5) foot wide landscape buffer strip;
- b. a six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure.
- c. one (1) canopy tree planted for each thirty (30) linear feet of the property line; alternating on both sides of the wall; and,
- d. 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, alternating on both sides of the wall. (CO: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: No longer applicable.]

2. Condition D.2. of Resolution R-2003-0101, Petition Z2002-033 which currently states:

The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE Zoning)

Is hereby deleted. [REASON: No longer applicable]

## SIGNS

1. Condition F.1. of Resolution R2002-0101, Petition Z2002-033, which currently states:

Freestanding point of purchase sign fronting on Florida's Turnpike shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
- b. maximum sign face area per side one hundred (100) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and,
- e. location - frontage of Florida Turnpike;
- f. Signs shall be limited to identification of tenants only.

Is hereby deleted. [REASON: Not allowed by Code.]

2. Freestanding point of purchase sign fronting on 7<sup>th</sup> Place North shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. maximum sign face area per side – eighty (80) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and,
- e. location - frontage of 7<sup>th</sup> Place North;
- f. Signs shall be limited to identification of tenants only. (Previous Condition F.2. Resolution R2003-0101, Petition Z2002-033) (CO: BLDG-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. (Previous Condition G.1. of Resolution R-2003-0101, Petition Z2002-033) (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. (Previous Condition G.2. Resolution R-2003-0101, Petition Z2002-033) (ONGOING: MONITORING - Zoning)