

RESOLUTION NO. R-2006- 0744

RESOLUTION APPROVING ZONING APPLICATION PDD2005-1134  
(CONTROL NO. 2005-341)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
APPLICATION OF THE RENDINA COMPANIES INC.  
BY BASEHART CONSULTING, INC., AGENT  
(CORPORATE CENTER WEST)

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, is authorized and empowered to consider petitions relating to zoning and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, have been satisfied; and

WHEREAS, Zoning Application PDD2005-1134 was presented to the Board of County Commissioners at a public hearing conducted on April 27, 2006; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan, contingent upon the approval of Small Scale Development Amendment No. SCA 2006-00001;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 2.F, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (Action by Board of County Commissioners) 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 PDD2005-1134, the application of The Rendina Companies, Inc., by Basehart Consulting, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District from the Public Ownership Zoning District to the Multiple Use Planned Development District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 27, 2006, 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 Newell and, upon being put to a vote, the vote was as follows:

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

The Chairman therefore declared that this resolution shall not become effective until Small Scale Development Amendment No. SCA 2006-00001 (STATE ROAD 7/BELVEDERE OFFICE a.k.a. CORPORATE CENTER WEST) is effective.

Filed with the Clerk of the Board of County Commissioners on 27th day of April, 2006.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

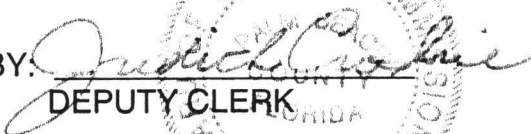
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

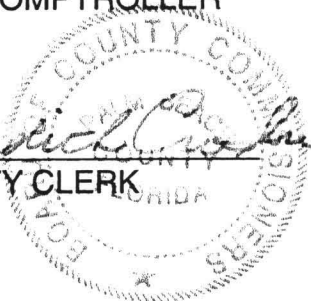
SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
\_\_\_\_\_  
COUNTY ATTORNEY

BY:

  
\_\_\_\_\_  
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

Tract 13, Block 1, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the plat thereof recorded in Plat Book 2, page 45, Public Records of Palm Beach County, Florida; LESS AND EXCEPT that portion of said Tract 13 which was conveyed to the State of Florida for right of way of State Road 7 by the Quit Claim Deed recorded in Deed Book 992, page 123, and LESS AND EXCEPT that portion of said Tract 13 which was conveyed to the Lake Worth Drainage District by the Deed recorded in Deed Book 1112, page 375, and LESS AND EXCEPT that portion of said Tract 13 which was conveyed to the State of Florida for the use and benefit of the State Road Department of Florida by the Deed recorded in Official Records Book 551, page 242, and LESS AND EXCEPT the East 223.1 feet of the North 585.76 feet of said Tract 13, which was conveyed to Mayacoo Lakes Country Club, Inc. by the Quit Claim Deed recorded in Official Records Book 2274, page 186, and LESS EXCEPT that portion of the South 75 feet of said Tract 13 which was conveyed to Lake Worth Drainage District by the County Deed recorded in Official Records Book 5207, page 353, all of the Public Records of Palm Beach County, Florida.

#### ALSO LESS

A parcel of land in Tract 13, Block 1, Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, pages 45 to 54, inclusive, Palm Beach County, Florida, lying West of the East line of the Reservation to the Lake Worth Drainage District in Official Records Book 1994, page 1615, Public Records of Palm Beach County, Florida more particularly described as follows:

(For the purposes of this description, the North line of said Tract 13 is assumed to bear S 89°57'43" E and all other bearings herein are relative thereto.)

Commencing at the Northwest corner of said Tract 13, thence run easterly along the North boundary of said Tract 13 along a bearing of S 89°57'43" E for a distance of 68.66 feet to a point on the East right of way line of Lake Worth Drainage District Equalizing Canal No. 1 and the Northwest corner of that parcel conveyed to the State Road Department of Florida by the deed recorded in Official Records Book 551, page 242, Public Records of Palm Beach County, Florida; thence S 02°42'12" W along said East right of way line, also parallel with the East right of way line of State Road No.7 as recorded in Deed Book 992, page 123, Public Records of Palm Beach County, Florida, a distance of 270.00 feet to the Point of Beginning; thence continue S 02°42'12" W along said East right of way line of Lake Worth Drainage District Equalizing Canal No. 1, a distance of 316.46 feet to a point on the North line of the South 75 feet of said Tract 13; thence S 89°57'57" E, parallel with the South line of said Tract 13, a distance of 42.45 feet to a point on the East line of the West 110 feet of said Tract 13; thence N 02°36'21" E, parallel with the West line of said Tract 13, a distance of 316.43 feet; thence N 89°57'43" W, parallel with the North line of said Tract 13, a distance of 41.91 feet to the Point of Beginning.

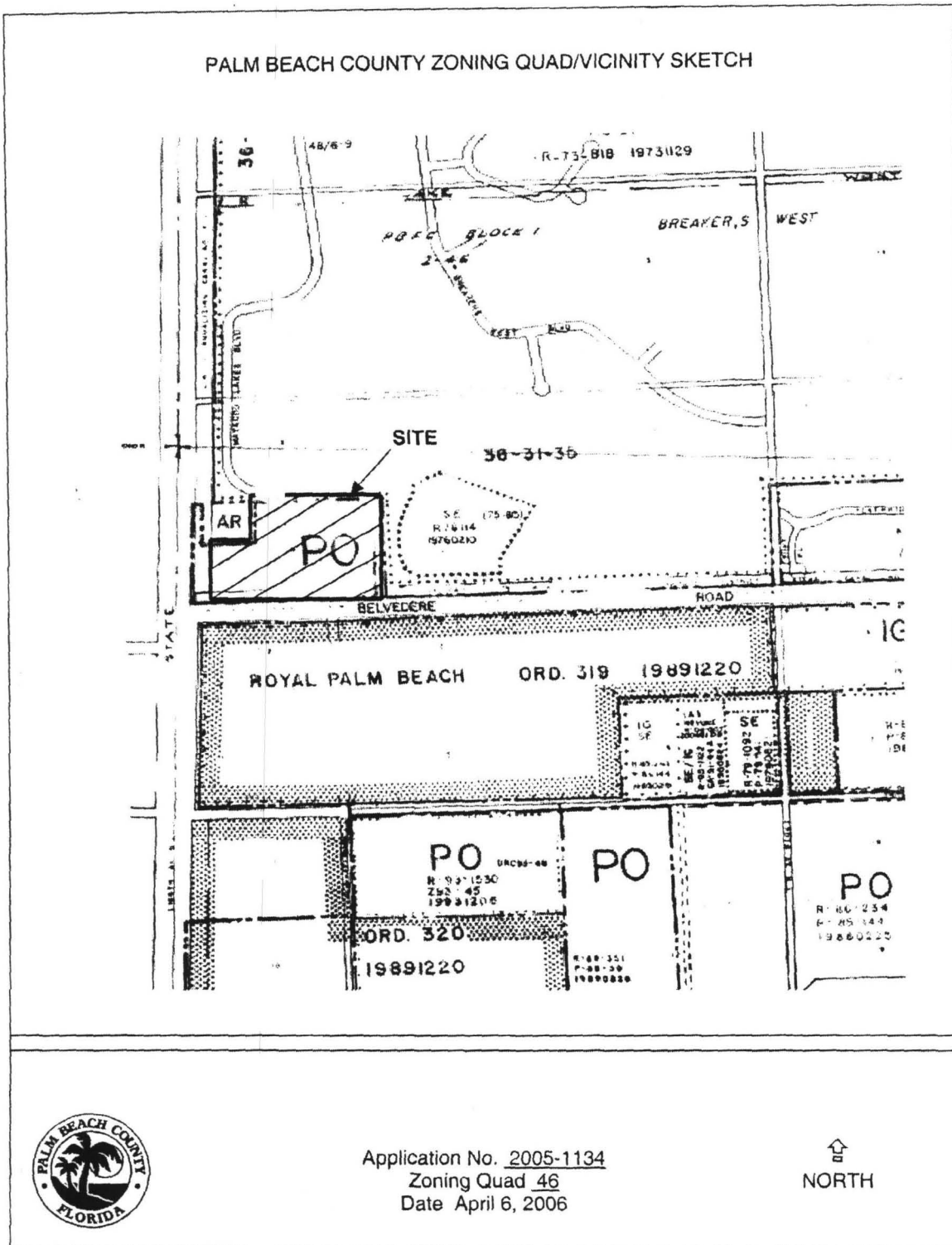
#### ABOVE LEGAL DESCRIPTION ALSO DESCRIBED BY THE FOLLOWING METES AND BOUNDS

A parcel of land in Tract 13, Block 1, Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, pages 45 to 54, inclusive, Palm Beach County, Florida, more particularly described as follows:

(For the purposes of this description, the North line of said Tract 13 is assumed to bear S 89°57'43" E and all other bearings herein are relative thereto.)

Commencing at the Northwest corner of said Tract 13, thence run easterly along the North boundary of said Tract 13 along a bearing of S 89°57'43" E for a distance of 68.66 feet to a point on the East right of way line of Lake Worth Drainage District Equalizing Canal No. 1 and the Northwest corner of that parcel conveyed to the State Road Department of Florida by the deed recorded in Official Records Book 551, page 242, Public Records of Palm Beach County, Florida; thence continue along the North line of said Tract 13, S 89°57'43" E a distance of 323.00 feet to the Northeast corner of said parcel conveyed to State Road Department of Florida and the Point of Beginning; thence continue along the North line of said Tract 13, S 89°57'43" E a distance of 567.85 feet to a point on the West line of the East 223.1 feet of said Tract 13; thence S 00°02'21" W, parallel with the East line of said Tract 13, a distance of 585.76 feet to a point on the North right of way line of Lake Worth Drainage District Lateral Canal No. 3 as recorded in Official Records Book 5207, page 353, Public Records of Palm Beach County, Florida, said right of way line being the North line of the South 75 feet of said Tract 13; thence N 89°57'57" W, parallel with the South line of said Tract 13, a distance of 875.66 feet to a point on a Reservation line to the Lake Worth Drainage District in Official Records Book 1994, page 1615, Public Records of Palm Beach County, Florida, said Reservation line being the East line of the West 110 feet of said Tract 13; thence N 02°36'21" E, parallel with the West line of said Tract 13, a distance of 316.43 feet; thence S 89°57'43" E, parallel with the North line of said Tract 13, a distance of 281.09 feet; thence N 02°42'12" E, parallel with the East right of way line of State Road No.7 as recorded in Deed Book 992, page 123, Public Records of Palm Beach County, Florida, a distance of 270.00 feet to the Point of Beginning.

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated February 10, 2006. 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. (DRO: ZONING - Zoning)

#### ENGINEERING

1. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING:ENG-Eng)
2. The Property owner shall revise the pavement markings for the west approach of Belvedere Road at SR 7 to change the existing right turn only lane to both a through and right turn lane.
  - a. These Pavement marking revisions 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, pavement marking revisions and any required signal modifications.
  - b. Permits required by Palm Beach County for this Pavement marking revision change shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT:MONITORING-Eng)
  - c. Pavement marking revisions shall be completed prior to the issuance of the first Certificate of Occupancy. (CO:MONITORING-Eng)
3. 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, 2008 . 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)
4. The Property owner shall construct a right turn lane south approach on SR 7 at the projects entrance 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.
  - 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)

5. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

The property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed an addiitonal 12 feet north of the ultimate north right of way line of the LWDD L 3 Canal. Right of way shall be conveyed on or before January 15, 2007, 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. The 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. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. 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."

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-INTERIOR

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate specimen palms located in the island of each entrance drive from Belvedere Road to serve as focal points. Specie and size of each specimen palm shall be subject to review and approval by the Landscape Section. (DRO: LANDSCAPE-Zoning)

ZONING - LANDSCAPING-ALONG THE NORTH AND EAST PROPERTY LINES ABUTTING BREAKERS WEST PUD (PET. 73-219)

1. In addition to the proposed landscaping and code requirements, landscaping along the north and east property lines shall be upgraded to include:
  - a. a six (6) foot high opaque concrete wall. Height of the wall shall be measured from the highest grade of the two adjoining properties (i.e. subject property and the adjoining residential property). Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; and
  - b. one (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT:LANDSCAPE-Zoning)

## ZONING – LANDSCAPE STANDARDS

1. A minimum of seventy-five (75) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
  - a. tree height: Fourteen (14) feet;
  - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (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 three and one-half (3.5) feet in length; and,
  - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT:LANDSCAPE-Zoning)
  
2. All palms required to be planted on the property 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. (BLDG PERMIT:LANDSCAPE-Zoning)

A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT:LANDSCAPE-Zoning)
  
3. Field adjustment of 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)

## PLANNING

1. Prior to the issuance of a Certificate of Occupancy or Certificate of Completion, the property owner shall pave the property to the edge of the northern property line at the location shown on the certified site plan dated February 10, 2006. (CC: MONITORING-Planning)
  
2. Prior to final approval by the Development Review Officer (DRO), the property owner shall record a cross access easement from the subject property to the parcel to the north in a form acceptable to the County Attorney. (DRO: COUNTY ATTY-Planning)
  
3. The site shall be limited to a maximum of 128,850 square feet of Commercial Low-Office uses. (ONGOING: PLANNING-planning)

## SIGNS

1. Freestanding signs for the subject property 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 - three (3) for the entire site, one for the State Road 7 frontage and two for the Belvedere Road frontage;
  - d. style - monument style only; and,



- e. signs shall be limited to project name and identification of tenants only. (BLDG PERMIT: BLDG - Zoning)

#### 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 developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING:PBCWUD – PBCWUD)

#### 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)