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RESOLUTION NO. R-2007- 0004

2007 JAN -3 PM 4: 39

SHARON R. BOCK
CLERK & COMPTROLLER
BCC SERVICES/MINUTES-PBC

RESOLUTION APPROVING ZONING APPLICATION DOA2006-1371
(CONTROL NUMBER 1973-085)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF PALM BEACH COUNTY FDO
BY PALM BEACH COUNTY, AGENT
(PBC FIRE STATION 56 AT BOCA POINTE PUD)

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, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public 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 DOA2006-1371 was presented to the Board of County Commissioners at a public hearing conducted on January 4, 2007; and

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

WHEREAS, this approval is subject to Article 2.E (MONITORING), 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations;
3. 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;
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. The applicant has demonstrated sufficient justification that there are changed circumstances that require the Development Order Amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 DOA2006-1371, the application of Palm Beach County FDO, by Palm Beach County, agent, for a Development Order Amendment to amend the master plan of Boca Pointe PUD to re-designate a portion of Pod D land use (residential to civic), add two access points to newly created Pod D2, and modify 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 4, 2007, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

The motion was seconded by Commissioner McCarty and, upon being put to a vote, the vote was as follows:

| | | |
|------------------------------|---|--------|
| Addie L. Greene, Chairperson | - | Aye |
| John F. Koons, Vice Chair | - | Aye |
| Karen T. Marcus | - | Aye |
| Warren H. Newell | - | Aye |
| Mary McCarty | - | Aye |
| Burt Aaronson | - | Absent |
| Jess R. Santamaria | - | Aye |

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 4, 2007.

Filed with the Clerk of the Board of County Commissioners on 4th day of January, 2007.

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

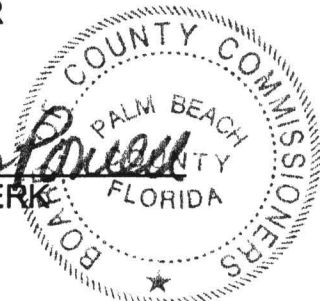


EXHIBIT A

LEGAL DESCRIPTION

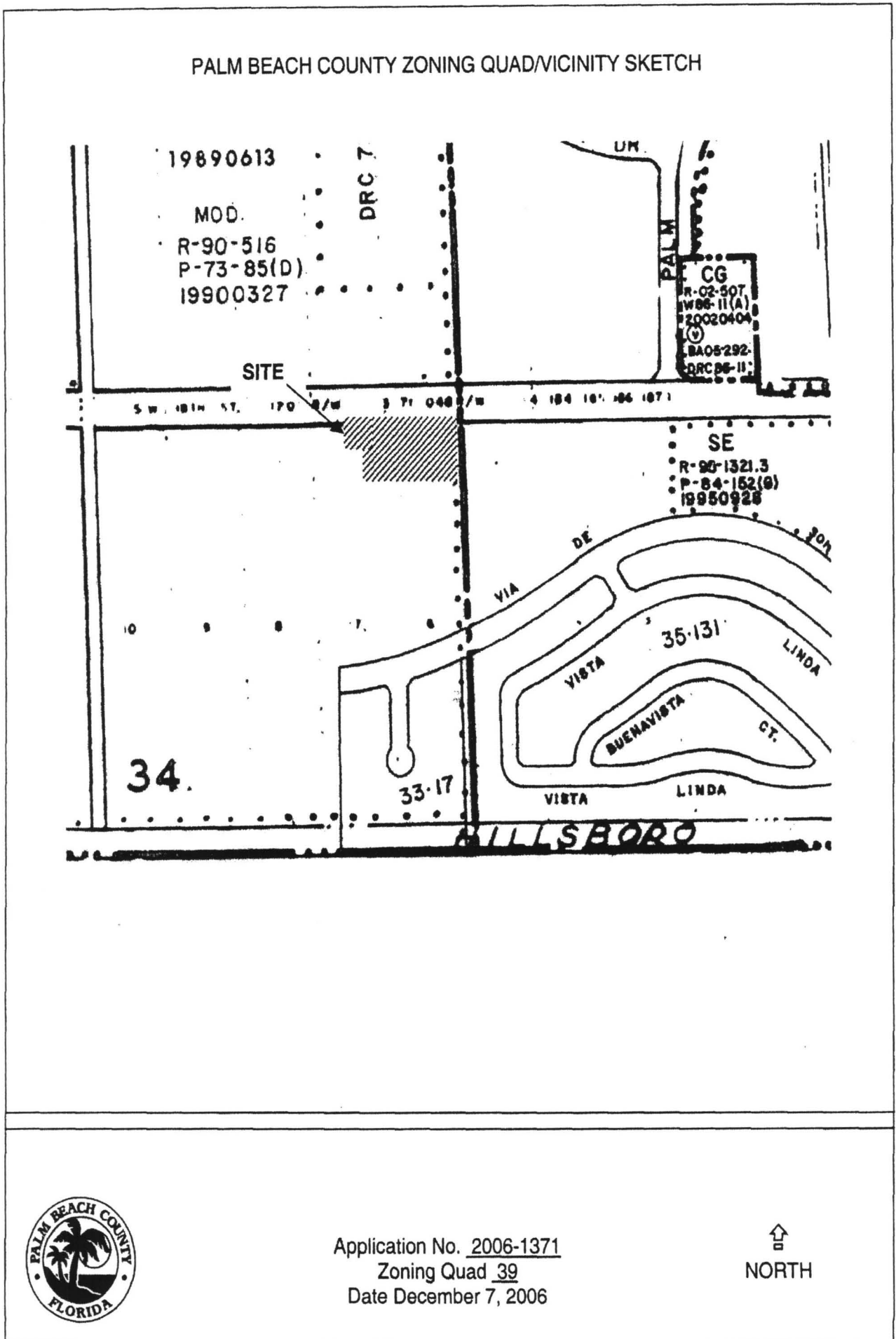
A PARCEL OF LAND BEING A PORTION OF TRACTS 1 AND 2, STRATFORD COURT II, P.U.D., AS RECORDED IN PLAT BOOK 82, PAGES 65 AND 66, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID STRATFORD COURT II, P.U.D.; THENCE SOUTH $01^{\circ}55'34''$ EAST ALONG THE EAST LINE OF SAID STRATFORD COURT II, P.U.D., A DISTANCE OF 240.25 FEET; THENCE SOUTH $89^{\circ}56'02''$ WEST, A DISTANCE OF 334.33 FEET; THENCE NORTH $02^{\circ}53'31''$ EAST, A DISTANCE OF 70.53 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHWEST AND WHOSE CHORD BEARS NORTH $10^{\circ}59'36''$ WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF $38^{\circ}55'24''$ AND A RADIUS OF 115.68 FEET, A DISTANCE OF 78.58 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH $01^{\circ}42'22''$ WEST, A DISTANCE OF 92.15 FEET TO A POINT ON THE NORTH LINE OF STRATFORD COURT II, P.U.D., SAID LINE BEING THE SOUTH RIGHT-OF-WAY LINE OF SW 18TH STREET, AS SHOWN ON BOCA POINTE NO. 4, AS RECORDED IN PLAT BOOK 43, PAGES 194 THROUGH 196, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH $89^{\circ}36'55''$ EAST ALONG SAID NORTH LINE OF STRATFORD COURT II, P.U.D., AND SAID SOUTH RIGHT-OF-WAY LINE OF SW 18TH STREET, A DISTANCE OF 340.15 FEET TO THE POINT OF BEGINNING AFORE DESCRIBED.

CONTAINING 1.836 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



Application No. 2006-1371
Zoning Quad 39
Date December 7, 2006



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval, as contained in Resolution R-73-380 (Control 1973-085), Resolution R-83-1032 (Control 1973-085), Resolution R-89-1153 (Control 1973-085), Resolution R-89-1154 (Control 1973-085), Resolution R-90-516 (Control 1973-085) and Resolution R-91-237 (Control 1973-085) shall remain in effect, unless expressly modified 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 or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. The conditions of approval as contained herein shall apply to Pod D-2 only (the Affected Area of Application DOA2006-1371), unless expressly stated. The approved master plan is dated October 16, 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. (ONGOING: ZONING - Zoning)
3. Conditions of approval 5, 6, 8 & 10 contained in Resolution # R89-1154 do not apply to pod D-2. (ONGOING: ZONING-Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the DRO officer of the site plan, the architectural elevations shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Article 5.C. of the ULDC. Development shall be consistent with the approved architectural elevations and the approved DRO site plan. (DRO: ZONING - Zoning)

ENGINEERING

1. Landscape Within the Median of SW 18th Street
 - A. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of SW 18th Street. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph d below.
 - B. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
 - C. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
 - D. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the

maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner.

- E. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along SW 18th Street. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.
- 2. Prior to issuance of a Building Permit the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

ENVIRONMENTAL

- 1. Condition #4.a. of R-1989-1154 Petition 73-1985 (C), which currently states:

All existing native vegetation to be preserved.

Is hereby deleted. [Reason: No longer applicable, covered by Article 14.C. Upland Wetland Vegetation Protection]
- 2. Condition #7. of R-1989-1154 Petition 73-1985 (C), which currently states:

The developer shall preserve existing native vegetation onsite and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable area, retention areas, right-of-way and building pods. Areas of existing vegetation to be preserved shall be shown upon the site plan prior to the Site Plan Review Committee certification. These preservation areas shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code during the site development and construction phase.

Is hereby deleted. [Reason: No longer applicable, covered by Article 14.C. Upland Wetland Vegetation Protection]
- 3. Condition #12. of R-1989-1154 Petition 73-1985 (C), which currently states:

Along the east property line, the petitioner shall preserve all native understory and canopy vegetation within the 50 foot buffer. Where existing vegetation does not provide a visual screen the petitioner shall install minimum twelve (12) foot high native canopy trees for each twenty (20) lineal feet of buffer and a continuous massing of native understory vegetation.

Is hereby deleted. [Reason: No longer applicable, covered by Article 14.C. Upland Wetland Vegetation Protection]

HEALTH

- 1. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (Previous Condition 4 of Resolution R-83-1032, Control No. 1973-085) (ONGOING: CODE ENF - Health)
- 2. Conditon # 13 of Resolution R-1989-1154, Control No. 1973-085, which currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

Is hereby deleted. [REASON: Code requirement].

3. Conditon # 14 of Resolution R-1989-114, Control No. 1973-085, which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

Is hereby deleted. [REASON: Code requirement].

ZONING - LANDSCAPING

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. Areas where existing native trees and understory will be preserved may be excluded from perimeter landscape buffer planting and berm requirements, subject to the following:
 - a. prior to final approval by the Development Review Officer (DRO), documentation that demonstrates native vegetation will meet or exceed the screening provided by required perimeter landscaping shall be submitted to the Landscape Section for review and approval; and,
 - b. additional native vegetation may be relocated or added to these areas to meet the intent of the buffer screening regulations. (DRO: LANDSCAPE - Zoning)

ZONING - LANDSCAPING-ALONG THE NORTH AND EAST PROPERTY LINES (FRONTAGE OF S.W. 18TH STREET AND ABUTTING RESIDENTIAL)

3. In addition to code requirements, landscaping along the north and east property lines shall be upgraded to include:
one (1) palm or pine for each 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 - LANDSCAPING

4. A minimum of a fifty (50) foot buffer shall be maintained along the east property line for the south 148 feet of Pod D-2. (BLDG PERMIT: LANDSCAPE - Zoning)

PALM TRAN

1. Palm Beach County Facilities and Palm Tran shall agree to a location for a Bus Stop Boarding and Alighting Area prior to the issuance of a Building Permit. If transit service is not currently operating at the time of the issuance of a Builiding Permit, Palm Beach County Facilities and Palm Tran shall agree to select a mutually acceptable site for future consideration.(DRO: PALM TRAN-Palm Tran)

SIGNS

1. Freestanding signs fronting on S.W. 18th Street shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - five (5) feet;

- b. maximum sign face area per side - forty (40) square feet;
 - c. maximum number of signs - one (1); and,
 - d. style - monument style only;
- (BLDG PERMIT: BLDG - Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner 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)