

RESOLUTION NO. R-2007- 0078

RESOLUTION APPROVING ZONING APPLICATION PDD2006-708  
(CONTROL NO.1982-129)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
APPLICATION OF SOUTHERN CAPITAL RESOURCE PARTNERS, LLC  
BY DAVID L. CARPENTER & ASSOCIATES, AGENT  
(SYKES COMMERCIAL)

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 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 PDD2006-708 was presented to the Board of County Commissioners at a public hearing conducted on January 25, 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, 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;
2. This official zoning map amendment (rezoning) is consistent with the stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations;
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment;
5. This official zoning map amendment (rezoning) 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;
6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern; and,
7. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCE - Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code.

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 PDD2006-708, the application of Southern Capital Resource partners, LLC, by David L. Carpenter & Associates, agent, for an Official Zoning Map Amendment from the General Commercial 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 January 25, 2007, 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:

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 25, 2007

Filed with the Clerk of the Board of County Commissioners on 8th day of February, 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 R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



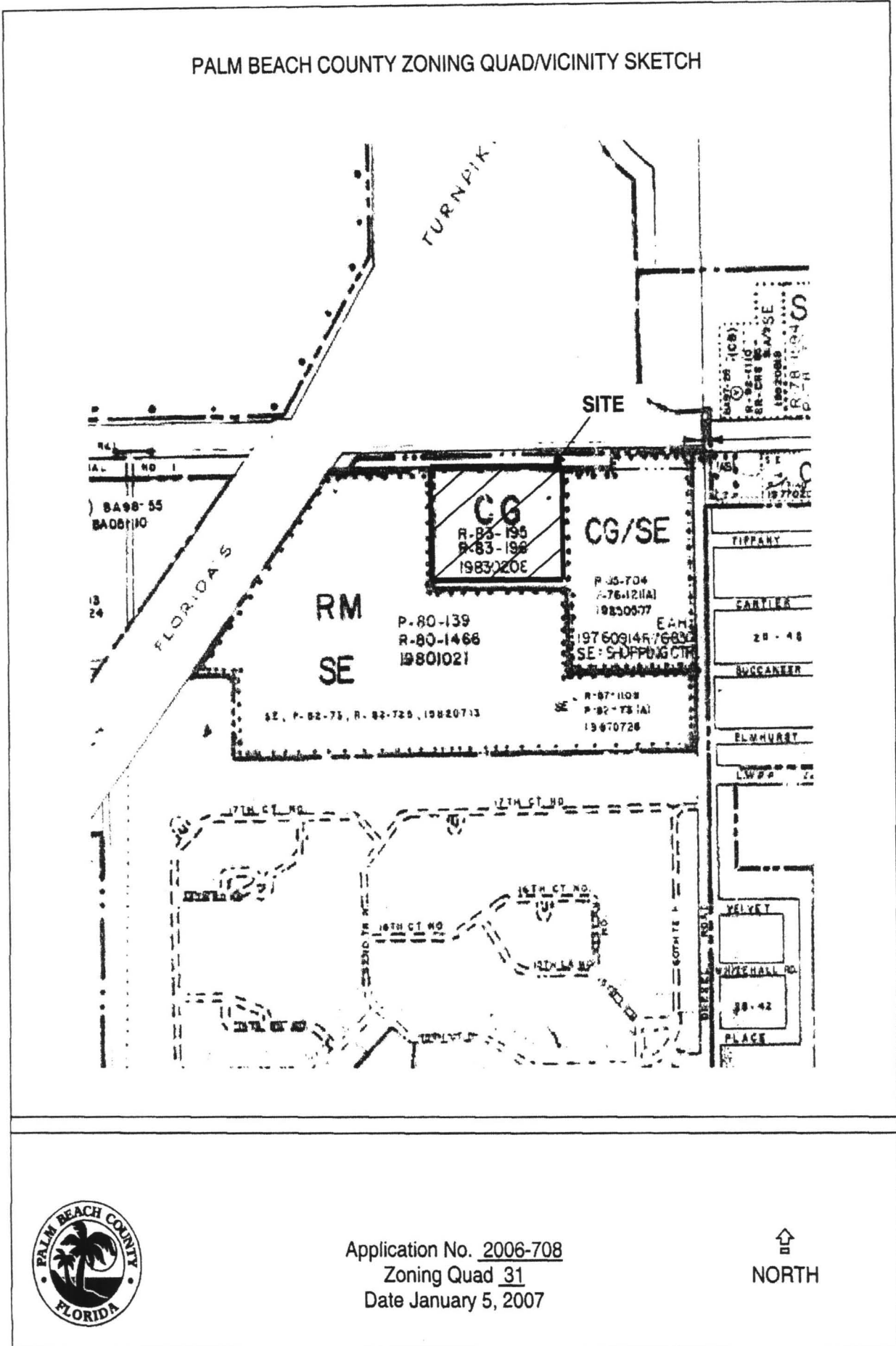
EXHIBIT A  
LEGAL DESCRIPTION

THAT PART OF THE NORTH ½ OF THE NORTHEAST ¼ OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, LYING SOUTH OF OKEECHOBEE ROAD AND BEING THE SOUTHERLY 510' OF THE NORTHERLY 590' OF THE WESTERLY 620.38' OF THE EASTERLY 1260.38' THEREOF.

TOGETHER WITH THAT CERTAIN EASEMENT FOR INGRESS AND EGRESS CREATED BY GRANT IN WARRANTY DEED DATED JULY 10, 1978 FROM HARVEY E SYKES SR. AND MILDRED M. SYKES, HIS WIFE, TO RAMBLEWOOD PLAZA, A FLORIDA JOINT VENTURE, AS RECORDED IN OFFICAL RECORDS BOOK 2890, PAGE 798, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS

EXHIBIT B

VICINITY SKETCH



Application No. 2006-708  
Zoning Quad 31  
Date January 5, 2007



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All previous Conditions of Approval as contained in Resolution R-83-195, Petition 1982-129 have been revoked. (ONGOING:ZONING-Zoning)
2. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Site Plan is dated November 2, 2006. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW Zoning)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule.
  - A) Building Permits for more than 150 PM peak hour trips which will provide for the following maximum mix of square footages and land uses:
    - 28,750 square feet of gross leasable general commercial floor area (and)
    - 138 room hotel (and)
    - 12,400 square feet of medical officeshall not be issued until contract has been awarded for the eight lane construction of Okeechobee Boulevard from SR 7 to Jog Road plus the appropriate paved tapers. The mix of allowable commercial uses listed above as permitted by the Zoning Division, may be adjusted by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (BLDG PERMIT: MONITORING-Eng)
  - B) 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)
2. The property owner shall pay a Fair Share Fee in the amount equal to 1.5 times the required impact fee. This increased impact fee payment to be paid at the time of issuance of the first Building Permit. (ONGOING: ACCOUNTING-Impact Fee Coordinator)
3. The following strategies shall be implemented and shall be coordinated with the County Engineer and shall include but not be limited to:

- A. Encourage the use of mass transit usage to and from the site thru
- Provision of bus stops and bus stop signs within the site
  - Distribution and posting of bus schedules onsite
  - Coordination with Palm Tran and or other mass transit service within the site if feasible as determined by Palm Tran
  - Provide for Bicycle facilities onsite
- (ONGOING ENG-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

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. 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)
3. 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)
4. 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)

## ZONING - LANDSCAPING-FOCAL POINTS

5. All landscape focal points shall be subject to review and approval by the Landscape Section and reflected on the Regulating Plan prior to final approval by the Development Review Officer (DRO). (DRO: ARCH REVIEW - Zoning)

## ZONING - LANDSCAPING-ALONG THE NORTH PROPERTY LINE (OKEECHOBEE ROAD)

6. In addition to the code requirements and the proposed landscaping, landscaping and buffer width along the north property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;



- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet
- c. 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-ALONG THE WEST AND SOUTH PROPERTY LINES (ABUTTING RESIDENTIAL)**

- 7. In addition to code requirements and the proposed landscaping, landscaping along the west and south property lines shall be upgraded to include:
  - a. a six (6) foot high opaque concrete block wall. Height of the wall shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of height shall be finalized subject to the review and approval by the Landscape Section to ensure screening effect is achieved for the adjacent 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 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-FPL GUIDELINES ON NORTH, EAST AND WEST PROPERTY LINES**

- 8. Landscape buffer details shall be revised to comply with Florida Power and Light (FPL) Guidelines for the north, east and west buffers. (DRO: LANDSCAPE - 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 Development Review Officer (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 Plat Recordation, 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. (PLAT/BLDG PERMIT: ENG-Monitoring)

**SIGNS**

- 1. Freestanding signs 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 - two (2);
  - d. style - monument style only;
 (BLDG PERMIT: BLDG - Zoning)

## UTILITIES

1. If any relocation/modifications to the County's existing facilities are required that are aq 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 applicant 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)