

RESOLUTION NO. R-2007-1880

RESOLUTION APPROVING ZONING APPLICATION PDD2006-960
(CONTROL NO. 2006-305)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF WOOLBRIGHT INVESTMENT GROUP, LLC
BY GENTILE, HOLLOWAY, O'MAHONEY & ASSOC, AGENT
(WOOLBRIGHT OFFICE CENTER)

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 Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application PDD2006-960 was presented to the Board of County Commissioners at a public hearing conducted on October 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) 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 official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan, contingent upon the approval of Small Scale Amendment 2006-029;
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. 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.
5. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern.
6. This official zoning map amendment is consistent with applicable Neighborhood Plans.
7. This official zoning map amendment (rezoning) complies with Article 2.F (Concurrency) of the Palm Beach County Unified Land Development Code.

8. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an 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 PDD2006-960, the application of Woolbright Investment Group, LLC, by Gentile, Holloway, O'Mahoney & Associates, agent, for an Official Zoning Map Amendment to a Planned Development District from the Agricultural Residential 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 shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 25, 2007, 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 Robert Kanjian and, upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson	- Aye
Jeff Koons, Vice Chair	- Aye
Karen T. Marcus	- Aye
Robert J. Kanjian	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Jess R. Santamaria	- Absent

The Chairperson thereupon declared that this resolution shall not become effective until Small Scale Amendment 2006-029 (WOOLBRIGHT/JOG OFFICE a.k.a. WOOLBRIGHT OFFICE CENTER) is effective.

Filed with the Clerk of the Board of County Commissioners on November 19th, 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

LEGAL DESCRIPTION

Parcel of land lying in Section 34 Township 45 South, Range 42 East, Palm Beach County, Florida being more particularly described as follows;

The West half (1/2) of the Northeast quarter (1/4) of the Northeast quarter (1/4) of the Northwest quarter (1/4) of Section 34, Township 45 South, Range 42 East, less the North 51 feet for Lake worth drainage Destrict L-26 Canal right-of-way.

Less that certain parcel conveyed to Palm Beach County, a political subdivision of the State of Florida being described as follows:

Beginning at the Northeast corner of tract OS15 of "Valencia Isles-Plat One", according to the plat thereof, as recorded in Plat Book 84, Page 3, Public Records of Palm Beach County, Florida.

Thence, North 00°11'20" West along the East line of the West one-half (W ½) of the Northeast one-quarter (NE ¼) of the Northwest one-quarter (NW ¼) of said section as recorded on said plat of "Valenica Isles- Plat One", a distance of 136.19 feet;

Thence, South 89°25'00" East a distance of 334.76 feet to a point on the West line of Tract "B", "Woolbright Jog MUPD", according to the plat thereof as recorded in Plat Book 92, Page 83-84 and also being the West Line of the East one-half (E ½) of the Northeast one-quarter (1/4) of the Northeast one-quarter (1/4) of the Northwest one-quarter (1/4) of Section 34, Township 45 South, Range 42 East as recorded in said Plat of "Woolbright Jog MUPD";

Thence, South 00°11'57" East along said West line of the East one-half (E ½) of the Northeast one-quarter (NE ¼) of the Northeast one-quarter (NE ¼) of the Northwest one-quarter (NW ¼) of Section 34 Township 45 South, Range 42 East as recorded in said Plat of "Woolbright Jog MUPD", a distance of 152.01 feet to a point being the Southwest corner of said tract "C" as recorded in the Official Records Book 13122, Page 778 through 783, Palm Beach County, Florida, Public Records;

Thence, North 86°42'46" West, a distance of 335.37 feet to the point of beginning.

Parcel Area = 157,938.41 Square Feet (3.63 Acres)

EXHIBIT B

VICINITY SKETCH

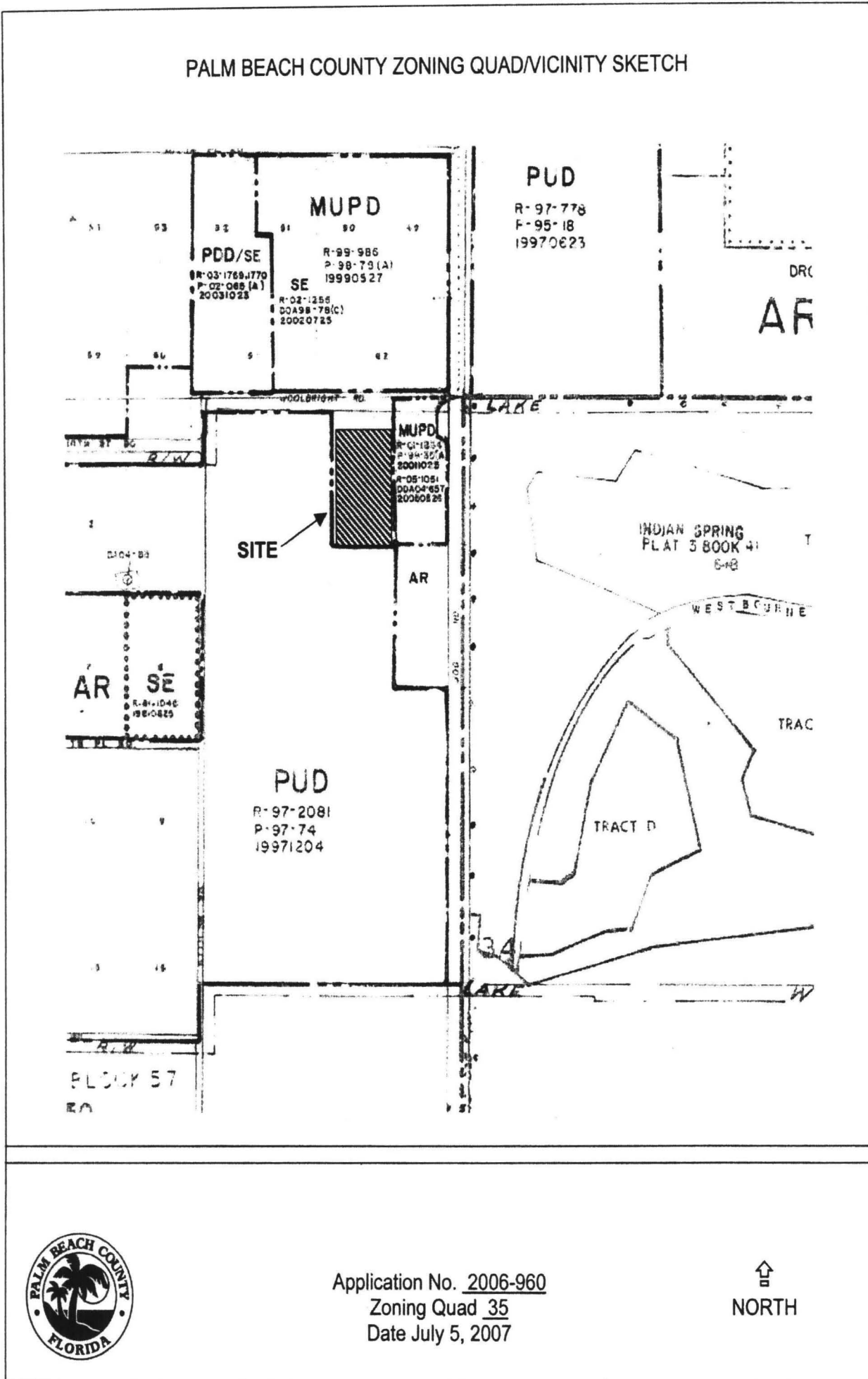


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the property is limited to the site design approved by the Board of County Commissioners. The approved preliminary site plan is dated July 23, 2007. 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)

ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO) of the site plan, the architectural elevations for all buildings 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 certified DRO site plan. (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. No Building Permits for the site may be issued after July 26, 2010. 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 provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for an Expanded Intersection Details on Woolbright Road at Jog Road plus the appropriate paved taper. All right of way deed(s) and associated documents shall be provided and approved prior to March 15, 2008 or to the issuance of a Building Permit whichever shall first occur.

Right of way conveyance shall be free of all encroachments and encumbrances. Property owner 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 further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of 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. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng)
3. Prior to issuance of a building permit the property owner shall provide a temporary roadway construction easement along Woolbright Road to Palm

Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG. PERMIT: MONITORING-Eng)

4. Landscape Within the Median of Woolbright Road - the concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance
 - a. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Woolbright Road. 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. (ONGOING:ENG-Eng)
 - 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. (ONGOING:ENG-Eng)
 - 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 beautification 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 Woolbright Road. 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. (ONGOING:ENG-Eng)
5. Prior to the issuance of a building permit the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane west approach on Woolbright Road at the project entrance road This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer.

Property owner 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 Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT: MONITORING-Eng)

6. The Property owner shall construct a right turn lane west approach on Woolbright Road at the project 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)

HEALTH

1. The property owners and operators of facilities generating industrial, hazardous, or toxic wastes 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. (CO: LANDSCAPE - Zoning)
3. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: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)

LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF WOOLBRIGHT ROAD)

5. In addition to the code requirements and the proposed landscaping, landscaping along the north property line shall be upgraded to include:

- a. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet; 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)

LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (ADJACENT TO VALENCIA ISLES PUD)

- 6. Prior to final approval by the Development Review Officer (DRO), the site plan and regulating plan shall be revised to indicate, in addition to ULDC requirements, landscaping and buffering along all property lines shall be upgraded to include:
 - a. a minimum of a fifty (50) foot wide buffer along the western property line incorporating the existing vegetation from the tree preservation area; and
 - b. a six (6) foot high concrete panel wall located a minimum of five (5) feet from the edge of the parking area in both the south and west buffers to match the wall for Valencia Isles PUD. The wall in the west buffer will be extended north to the Woolbright right-of-way buffer and then west to tie into the existing wall for Valencia Isles PUD. . (DRO: ZONING - 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: MONITORING – Palm Tran)

PARKING

- 1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property, except within designated loading and delivery areas. (ONGOING: CODE ENF - Zoning)

PLANNING

- 1. Development on the site shall be limited to a maximum 55,342 square feet (.35 FAR) and non-retail uses only. (DRO/ONGOING: PLANNING - Planning)

SIGNS

- 1. Freestanding sign fronting on Woolbright Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point – eight and one-half (8.5) feet;
 - b. maximum sign face area per side one hundred twenty (100) square feet;
 - c. maximum number of signs one (1);

- d. style - monument style only. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the property owner shall revise the sign details on the Master Sign Plan to reflect the signage conditions and ULDC requirements. (DRO: ZONING - Zoning)

SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the site plan and regulating plan shall be revised to indicate a maximum square footage for the office building of fifty thousand (50,000) square feet. (DRO: ZONING - Zoning)

USE LIMITATIONS

1. Hours of operation for the office building shall be limited to 7 a.m. to 9 p.m. daily. (ONGOING: CODE ENF-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 Zoning Commission 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 Zoning Commission 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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)