

RESOLUTION R-2009- 0013

RESOLUTION CORRECTING RESOLUTION R-2008-1962
RESOLUTION APPROVING ZONING APPLICATION OF HOLDINGS GPH
BY RUDEN, MCCLOSKEY, AGENT
APPLICATION DOA/EAC-2008-1036
(CONTROL NO. 1975-068)

WHEREAS, Beach Boynton, petitioned the Palm Beach County Board of County Commissioners on October 23, 2008 for a a Development Order Amendment to delete a condition of approval (Planning); and

WHEREAS, Resolution R-2008-1962, adopted on October 23, 2008 confirming the action of the Board of County Commissioners inadvertently contained errors in Exhibit C; and

WHEREAS, Exhibit C of Resolution R-2008-1962 should have read as shown on attached Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Exhibit C of Resolution R-2008-1962 is hereby corrected.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Absent
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary McCarty	-	Absent
Commissioner Jess R. Santamaria	-	-Aye
Commissioner Addie L. Greene	-	Aye

The Chairman thereupon declared the resolution was duly passed and adopted on January 8, 2009.

Filed with the Clerk of the Board of County Commissioners on 4th day of February, 2009.

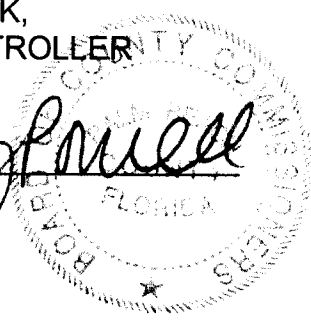
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



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EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.All Petitions Condition 1 of Resolution 2007-1432, Control No. 1975-068, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution 2003-1121 (Petition No. DOA1975-68U), 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 Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution 2007-1432, Control No. DOA1975-068, 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 Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2.Conditions in Resolution R-97-542, Petition 1975-68(L) (Publix/Retail uses in Parcel D) and Conditions in Resolution R-97-10, Petition 1975-68(M) (Wendy's fast food restaurant in Parcel M, Tract 3), Resolution R-98-564, Petition 1975-068R (Chevron gas station in Parcel M, Tract B), Resolution R-99-014, Petition 1975-068(T) (Fire Station 56), Resolution 2003-1121, Petition DOA1975-68(U) shall remain in full force and in effect. (ONGOING: MONITORING-Zoning) (Previous All Petitions Condition 2 of Resolution Resolution 2007-1432, Control No. 1975-068).

3.All Petitions Condition 3 of Resolution 2007-1432, Control No. 1975-068, 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 Master Plan for the Planned Unit Development is dated May 8, 1996, and the approved Site Plan for the Commercial Pod is dated May 14, 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. (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 Master Plan for the Planned Unit Development is dated May 8, 1996, and the approved Site Plan for the Commercial Pod is dated September 15, 2008. 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)

ARCHITECTURAL REVIEW (FINANCIAL INSTITUTION IN COMMERCIAL POD)

1.At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the financial institution 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) (Previous Architectural Review Condition 1 of Resolution 2007-1432, Control No.1975-068).

BUILDING AND SITE DESIGN-DAYCARE CENTER (NW CORNER OF THE COMMERCIAL POD)

1.The petitioner shall relocate all dumpsters a minimum of seventy five (75) feet from the outdoor activity area. (DRO:ZONING-Zoning) (Previous Daycare Center Condition 1 of Resolution 2007-1432, Control No. 1975-068).

2.The adjacent retail bay to the south of the proposed day care shall not be used for any business primarily engaged in the sale or use of flammable materials, for example, restaurants and paint sales. This condition shall not preclude the use of normally accessory cleaning materials and other products customarily used in the operation of a retail business. (DRO/ONGOING:ZONING/CODE ENF-Zoning) (Previous Daycare Center Condition 2 of Resolution 2007-1432, Control No. 1975-068).

3.Prior to final site plan certification one (1) landscape island shall be provided along both the northern and the western parking areas (designated for the day care center). (DRO:ZONING-Zoning) (Previous Daycare Center Condition 3 of Resolution 2007-1432, Control No. 1975-068).

4.The day care center shall be limited to a maximum of eighty (80) students and 3,600 square feet of usable building area. (ONGOING: HEALTH-Health) (Previous Daycare Care Condition of Resolution 2007-1432, Control No. 1975-068).

5.The perimeter of the outdoor activity area shall be fenced with a solid six (6) foot tall visually opaque fence. Architecturally maintained compatible with the shopping center (painted/stained). Signage shall be affixed to the fence indicating no trespassing or loitering. CO:LANDSCAPE/HEALTH-Zoning) (Previous Daycare Center Condition 5 of Resolution 2007-1432, Control No. 1975-068).

6.Landscaping around the exterior perimeter of the outdoor activity area shall be upgraded to include fifteen (15) foot tall canopy trees, fifteen (15) feet on center and a minimum of three (3) fifteen (15) foot canopy trees planted on the interior, in compliance with HRS requirements. (CO:LANDSCAPE/HEALTH-Zoning) (Previous Daycare Center Condition 6 of Resolution 2007-1432, Control No. 1975-068).

7.Travel in front of the center and drop-off area shall be limited to one-way (south to north). "One-way" and "Do Not Enter" signs shall be appropriately installed. (DRO:ZONING-Zoning) (Previous Daycare Center Condition 7 of Resolution 2007-1432, Control No. 1975-068).

8.Maximum speed in front of the facility shall be limited to 5 mph with appropriate signage installed. (ONGOING:CODE ENF-Zoning) (Previous Daycare Center Condition 8 of Resolution 2007-1432, Control No. 1975-068).

9.Pavement in front of the facility shall be striped yellow and marked with caution signs. (DRO:ZONING -Zoning) (Previous Daycare Center Condition 9 of Resolution 2007-1432, Control No. 1975-068).

10.Sufficient asphalt pavement located in the interior (along the eastern side) of the expanded play area shall be removed and replaced or covered with material suitable for a play area, subject to approval by the Palm Beach County Public Health Unit. Prior to site plan certification by the Development Review Committee, the petitioner shall amend the site plan for the day care to indicate the extent of asphalt pavement to be removed or covered and material to be used. (DRO:ZONING/HEALTH-Bldg) (Previous Daycare Center Condition 10 of Resolution 2007-1432, Control No. 1975-068).

11.Bollards shall be installed every ten (10) feet on center in the landscape strip around the outdoor play area, adjacent to all vehicular use areas. (CO:LANDSCAPE-Zoning) (Previous Daycare Center Condition 11 of Resolution 2007-1432, Control No. 1975-068).

12.Landscaping around the north and east exterior perimeters of the outdoor activity area shall be upgraded to include twenty-four (24) inch high shrub material planted twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (Previous Daycare Center Condition 6 of Resolution 2007-1432, Control No. 1975-068). (CO:LANDSCAPE-Zoning)

BUILDING AND SITE DESIGN-DAYCARE CENTER (MONTESSORI ACADEMY, NORTHEAST CORNER OF THE COMMERCIAL POD)

13. The day care center shall be limited to a maximum of 7,571 square feet and 150 children. (ONGOING: CODE ENF-Health/Zoning) (Previous Daycare Center Condition 1 of Resolution 2007-1432, Control No. 1975-068).

CIVIC SITE DEDICATION (APPLICABLE TO OVERALL PUD)

1.Developer shall dedicate to Palm Beach County, the conservation area within the development as it relates to the Land Use Plan for Palm Beach County. (PREM-Prem) (Previous Civic Condition 1 of Resolution R-2007-1432, Control No.1975-068)

2.Developer shall deed to the Board of County Commissioners of Palm Beach County, Florida, thirty-six (36) acres to be used for schools, parks, recreation centers, fire station, police station and/or libraries. (PREM-Prem) (Previous Civic Condition 2 of Resolution R-2007-1432, Control No.1975-068)

3.The Developer shall construct an on-site utility facility if it becomes legally possible. The facility shall be conveyed to Palm Beach County for maintenance and operation. (PREM-Prem) (Previous Condition C.3 of Resolution R-20071432, Control No.1975-068)

4.The land area donated for the County Park shall continue to be counted gross land area of the development for the purpose of calculating maximum residential density and to satisfy the other requirements of Zoning Code Section 500.21 (Planned Unit Developments). (ZONING: PREM-Prem) (Previous Civic Condition 4 of Resolution R-2007-1432, Control No. 1975-068).

DUMPSTER

1.Previous Fitness Center Condition 1 of Resolution 2007-1432, Control No. 1975-068 which currently states:

Prior to the issuance of the Certificate of Occupancy (CO) for the fitness center, all areas for dumpsters or receptacles shall be in compliance with ULDC section 6.6.A.5. (DRO / ONGOING: ZONING / CODE ENF - Zoning)

Is hereby amended to read:

Prior to the issuance of the Certificate of Occupancy (CO) for Building E, all areas for dumpsters or receptacles shall be in compliance with ULDC section 5.B.1.A.8. (CO: ZONING Code Enf)

ENGINEERING

1.Developer shall construct four (4) lanes between the project and State Road No. 7 in the following manner:

- a. Two (2) lanes concurrent with the first plat.
- b. Two (2) lanes prior to platting more than forty (40) percent of the total units.
- c. The exact alignment and engineering plans for the roads shall conform to Palm Beach County Standards and shall be subject to the approval of the County Engineer.
- d. The above construction shall be along the following corridors: Palmetto Park Road, Glades Road or Hillsboro Boulevard. (ENG) [Note: This condition is in compliance] (Previous Condition E.1 of Resolution 2007-1432, Control 1975-068). [Note: Complete]

2.Developer shall construct intersection improvements and signalization at the

intersection of the aforesaid access roads and State Road No. 7, as warranted. (Previous Condition E.2 of Resolution R-2003-1121, Petition DOA1975-068U). (ONGOING:ENGINEERING-Eng) (Previous Condition E.2 of Resolution 2007-1432, Control 1975-068)

3.The property owner shall convey for the ultimate right-of-way of:

- a. Glades Road 120 feet total right-of-way. [Note: Complete]
- b. Palmetto Park Road 200 feet of right-of-way. [Note: Complete]
- c. Sixty (60) foot half right-of-way for Riverside Drive. [Note: Complete]
- d. Four hundred twenty-six (426) foot right-of-way for University Expressway. [Note: Complete]
- e. Sixty (60) foot half right-of-way for Hillsboro Boulevard from State Road No. 7 to the development. [Note: Complete]
- f. The developer shall provide a 3' high mulched berm along the south side of Glades Road through Logger's Run. [Note: Complete]

All within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of First Building Permit. (ENG)

(Previous Condition E.3 of Resolution 2007-1432, Control 1975-068).

4.The ownership and maintenance of all canals and lakes shall be retained by and be the responsibility of the development's property owners association, unless transferred to a drainage district. (ONGOING:ENGINEERING-Eng) (Previous Condition E.4 of Resolution 2007-1432, Control 1975-068).

5.Developer shall obtain approval of all drainage specifications from the Central and South Florida Flood Control District. (ONGOING:ENGINEERING-Eng) (Previous Condition E.5 of Resolution 2007-1432, Control 1975-068).

6.Prior to site plan certification, the Master Plan will be revised to reflect the proposed amendments. In addition, the Master Plan site data shall reflect proposed and existing development dwelling unit counts. (ONGOING: ZONING) (Previous Condition. E.6 of Resolution 2007-1432, Control 1975-068).

7.Prior to site plan certification of the Master Plan the property owner shall identify the access locations to the site per the County Engineers approval. (ONGOING:ENGINEERING-Eng) (Previous Condition E.7 of Resolution 2007-1432, Control 1975-068).

8.The property owner shall construct turn lanes at the project's entrance(s) per the County Engineer's approval concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. (ONGOING:ENGINEERING-Eng) (Previous Condition E.8 of Resolution 2007-1432, Control 1975-068)

9.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 3,500 square foot bank 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) (Previous Condition E.9 of Resolution 2007-1432, Control No.1975-068)

HEALTH-(VETERINANARY CLINIC IN COMMERCIAL POD)

1. Previous Health Condition 1 of Resolution 2003-1432, Control No.1975-068

which currently states:

Architectural plans must be submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordance with chapter 10D-24 FAC prior to issuance of a building permit. (BLDG.PERMIT: HEALTH-Health)

Is hereby deleted – [Reason: No longer applicable]

2. Previous Health Condition 2 of Resolution 2007-1432, Control No. 1975-068 which currently states:

Any biomedical waste associated with the veterinary clinic which may be generated at this site, shall be properly handled and disposed of in accordance with Chapter 10D-104FAC. (ONGOING: HEALTH/CODE ENF-Health)

Is hereby deleted – [Reason: Code Requirement]

ZONING - LANDSCAPING

1.All newly planted or replacement 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. (CO: LANDSCAPE - Zoning) (Previous Standard Landscape Condition of Resolution 2007-1432, Control No. 1975-068)

2.All newly planted or replacement 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) (Previous Landscape Condition 2 of Resolution 2007-1432, Control No. 1975-068)

3.Previous Landscape Condition 3 of Resolution 2007-1432, Control No.1975-068 which currently states:

Prior to the issuance of the Certificate of Occupancy (CO) for the fitness center, the property owner/petitioner shall replace all dead, missing plant materials on the entire subject property. (CO: LANDSCAPE-Zoning)

Is hereby amended to read:

Prior to the issuance of the Certificate of Occupancy (CO) the property owner shall replace all dead and missing plant materials on the entire subject property. (ONGOING: LANDSCAPE Zoning).

4.Prior to final DRO approval of the site plan, the petitioner shall meet with Landscape Section staff to discuss the incorporation of new or replacement landscaping with the existing vegetation on the site. An Alternative Landscape Plan shall be submitted for landscaping for the property to ensure that existing vegetation is integrated with the proposed landscaping. (DRO: LANDSCAPE - Zoning) (Previous Landscape Condition 4 of Resolution 2007-1432, Control No. 1975-068)

ZONING - LANDSCAPING-LANDSCAPE STANDARDS (FINANCIAL INSTITUTION IN COMMERCIAL POD)

5.A divider median shall be provided between the first two drive thru lane from the

building as follows:

- a. a minimum of 3 feet width excluding curb and shall extend a minimum 5' beyond the boundary of the overhead canopy;
- b. within the extension of the median, a palm tree with a minimum 10' grey wood and appropriate ground cover shall be planted;
- c. The remaining portions of the median not used for planters shall be surfaced with pavers, brick or other decorative paving. (DRO: LANDSCAPE- Zoning) (Previous Landscape Condition 1 of Resolution 2007-1432, Control No.1975-068)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE EAST PROPERTY LINE ADJACENT TO PONDEROSA DRIVE (COMMERCIAL POD)

6. On or before October 1, 2007, the property owner of the Commercial Pod shall install a six (6) foot high hedge along the east property line. (DATE: LANDSCAPE - Zoning) (Previous Landscape Condition 1 of Resolution 2007-1432, Control No.1975-068) [Completed]

ZONING - LANDSCAPING-FOUNDATION PLANTING

7. Previous Fitness Center Condition 2 of Resolution 2007-1432, Control No. 1975-068 which currently states:

Foundation planting or grade level planters shall be provided along the south facade of the fitness center to consist of the following:

- a) The minimum width of the required landscape areas shall be five (5) feet;
- b) The length of the required landscaped areas shall be no less than 50% of the total length of the north side of the dog daycare facility; and,
- c) Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot or one (1) palm species for each fifteen (15) linear foot of building facade and appropriate ground cover. (CO: LANDSCAPE-Zoning).

Is hereby amended to read:

Foundation planting or grade level planters shall be provided along the south facade of Building E to consist of the following:

- a) The minimum width of the required landscape areas shall be five (5) feet;
- b) The length of the required landscaped areas shall be no less than 50% of the total length of the north side of the dog daycare facility; and,
- c) Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot or one (1) palm species for each fifteen (15) linear foot of building facade and appropriate ground cover. (CO: LANDSCAPE-Zoning).

SIGNS-(COMMERCIAL POD)

1. Freestanding point of purchase signs for the outparcels fronting on Palmetto Park Road in the commercial pod 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 - 100 square feet;
- c. Maximum number of signs - one (1) each; and
- d. Style - monument style only. (BLDG PERMIT: BLDG- Zoning) (Previous Sign Condition 1 of Resolution 2007-1432, Control No. 1975-068)

2. New or replacement freestanding signs for the Commercial Pod fronting on Oriole Country Road, Palmetto Park Road, and Ponderosa Drive 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 - 75 square feet;
- c) maximum number of signs - one (1) for each frontage;
- d) style - monument style only; and,
- e) location - frontage of Oriole Country Road, Palmetto Park Road, and Ponderosa

Drive;

f) Signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning) (Previous Sign Condition 2 of Resolution 2007-1432, Control No. 1975-068)

SOLID WASTE AUTHORITY

1. The property owner and lessee's shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (ONGOING: SWA-SWA) (Previous Solid Waste Authority Condition 1 of Resolution 2007-1432, Control No. 1975-068)

USE LIMITATIONS-(CHURCH IN COMMERCIAL POD)

1. The church or place of worship within the commercial pod shall be limited to a maximum of 120 seats. (ONGOING: CODE ENF-Zoning) (Previous Use Limitation (church) Condition 1 of Resolution 2007-1432, Control No. 1975-068).

USE LIMITATIONS-(VETERINARY CLINIC IN COMMERCIAL POD)

2. The veterinary clinic within the commercial pod shall be limited to a maximum of 3,200 square feet. (DRO/BLDG. PERMIT: ZONING-Zoning) (Previous Use Limitations Veterinary Clinic Condition 1 of Resolution 2007-1432, Control No. 1975-068).

3. Overnight boarding of animals shall be limited to hospitalization and associated medical services. (ONGOING: CODE ENF-Zoning) (Previous Use Limitation (Veterinary Clinic) Condition of Resolution 2007-1432, Control No. 1975-068).

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.

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 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

