

RESOLUTION NO. R-2009-0492

RESOLUTION APPROVING ZONING APPLICATION ZV/Z/CA-2008-01915
(CONTROL NO. 2002-00064)
CLASS A CONDITIONAL USE

Application of Palm Beach County - Ross Hering
By JOHNSTON GROUP Land Development Consultants, Inc., Agent
(Boys and Girls Club)

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 applications relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application ZV/Z/CA-2008-01915 was presented to the Board of County Commissioners at a public hearing conducted on March 30, 2009; 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 Class A Conditional Use 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 Class A Conditional Use complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Class A Conditional Use also meets applicable local land development regulations. This Class A Conditional Use, 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.
3. This Class A Conditional Use, 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 Class A Conditional Use, 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.
6. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and

orderly development patterns.

- 7. This Class A Conditional Use, with conditions as adopted, is consistent with applicable Neighborhood Plans.
- 8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
- 9. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Class A Conditional Use.

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 ZV/Z/CA-2008-01915, the application of Palm Beach County - Ross Hering, by JOHNSTON GROUP Land Development Consultants, Inc., agent, for a Class A Conditional Use to allow an Assembly Non-Profit Institutional use in the Residential Single-Family (RS) Zoning 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 March 30, 2009, 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 Burt Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 30, 2009.

Filed with the Clerk of the Board of County Commissioners on April 2, 2009.

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


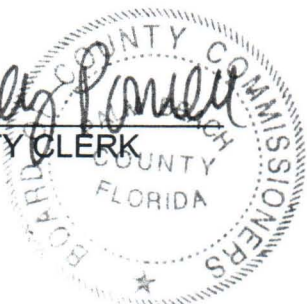
BY:  DEPUTY CLERK 

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF THE 210.00 FOOT STRIP OF LAND EAST OF BLOCK 5, "THE PALM BEACH FARMS COMPANY PLAT NUMBER 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE NORTH 88°18'15" WEST, ALONG THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°28'32" WEST, ALONG A LINE 30.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SECTION 34, A DISTANCE OF 100.00 FEET; THENCE SOUTH 07°03'01" EAST, A DISTANCE OF 202.35 FEET; THENCE SOUTH 01°28'32" WEST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 2336.84 FEET; THENCE SOUTH 01°28'02" WEST, ALONG SAID EAST LINE, A DISTANCE OF 110.00 FEET; THENCE SOUTH 68°59'16" WEST, A DISTANCE OF 156.92 FEET; THENCE NORTH 88°31'58" WEST, A DISTANCE OF 65.00 FEET; THENCE NORTH 01°28'02" EAST, ALONG THE WEST LINE OF THE EAST 210.00 FEET OF SAID SECTION 34, A DISTANCE OF 170.07 FEET; THENCE NORTH 01°28'32" EAST, ALONG THE WEST LINE OF THE EAST 210.00 FEET OF SAID SECTION 34, A DISTANCE OF 2637.61 FEET; THENCE SOUTH 88°18'15" EAST, ALONG THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 180.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 13.296 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

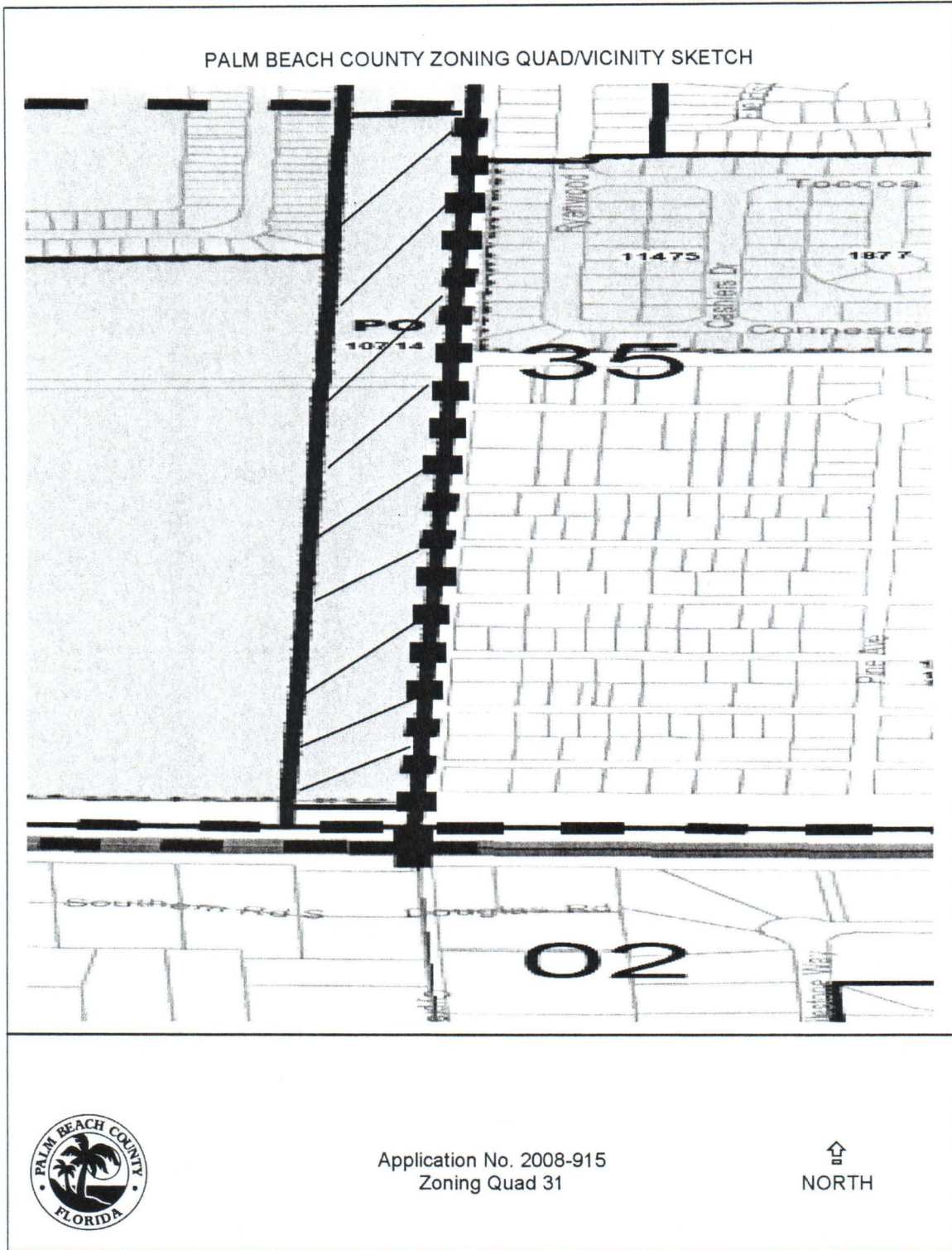


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.All previous conditions of approval contained in Resolution R-2003-0936(Control 2002-064), are hereby revoked. (ONGOING: MONITORING - Zoning)

2.Development of the site is based on the site design as approved by the Board of County Commissioners. The certified site plan is dated January 14, 2009. 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: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1.At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the assembly nonprofit institutional building 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.Overflow parking for special events shall be provided at an offsite location by the property owner. No overflow parking shall be permitted within Flatrock Road right of way or within the neighborhood to the east. (ONGOING:ENGINEERING-Eng)

2.The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for a total of 55 feet of right of way from centerline of Belvedere Road prior to the issuance of the first building permit. Due to the location of the existing LWDD canal easement, the additional right of way required as part of the 55 feet from the centerline may be provided on the south side of the canal easement and shall be conveyed along the entire project's entire frontage. Right of way shall be free and clear of all encumbrances and encroachments. 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. Dedication shall include where appropriate as determined by the County Engineer additional right of way for corner clips. (BLDG PERMIT: MONITORING-Eng)

3.In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a.No building permits for the site shall be issued after December 31, 2012. 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.E of the Unified Land Development Code. (DATE: MONITORING Eng)

4.The Property owner shall construct:

i. Left turn lane south approach on Flatrock Rd at Belvedere Rd. The length of this turn lane shall be a minimum of 135 feet plus a 50 foot taper.

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.

a.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)

b.Construction shall be completed prior to the issuance of the first Certificate of Occupancy (CO: MONITORING Eng)

5.The Property owner shall provide a bus/van for student pickup and drop off, as a requirement for using Belvedere Rd CRALLS. The location of this shall be shown on the site plan prior to final DRO approval. (ONGOING/DRO:ENGINEERING-Eng)

6.The Property owner shall fund the construction of Flatrock Road from Belvedere Road to south of the rear fire entrance for the site. Flatrock Road shall be constructed to County standards for an 80 foot right of way between Belvedere Road and the entrance road to the subdivision east of the site and to 50 foot right of way standards for the southern portion. The road shall include the appropriate tapers and terminus. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. All canal, culvert and bridge crossings within the improvement limits shall be constructed to their ultimate configuration.

a.Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

b.Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

7.Prior to approval of the final site plan by the Development Review Officer, the property owner shall abandon the conservation easement placed over the site to allow proposed development. (BLDG PERMIT:MONITORING-Eng)

8.Prior to issuance of the first building permit or December 30, 2009, whichever shall occur first, the property owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT/DATE: MONITORING-Eng)

9.Prior to final approval of the Site Plan by the Development Review Officer, the Property owner shall provide an acceptable drainage study identifying any historical drainage from parcels as well as existing and proposed grading along the property's eastern boundary, including the right of way for Flatrock Road. The project's stormwater management system shall be designed to accept any historical drainage. Any required drainage easements shall be provided and the right of way for Flatrock Road shall be increased if necessary for acceptable grading and drainage design.(DRO: ENGINEERING-Eng)

10.Prior to final DRO approval, the Boys and Girls Club shall confirm the point of legal positive outfall and obtain and record proper drainage easements to allow for drainage from project site to connect to point of legal positive outfall, if necessary. (DRO:ENGINEERING-Eng)

11.Prior to final DRO approval, the site plan shall be revised to indicate the property limits of the Boys and Girls Club parcel. (DRO:ENGINEERING-Eng)

12.Prior to issuance of the first building permit, the property owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Flatrock Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate road section of

the included segment. If required and approved by the County Engineer, the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. 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)

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, unless otherwise indicate herein:

- 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 palm trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)

4. Field adjustment of wall and plant material location may be permitted to provide pedestrian sidewalks and bike paths, and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING - LANDSCAPING-ALONG THE NORTH PROPERTY LINE

5. No easement encroachment shall be permitted within the north Right-of-Way landscape buffer. (ONGOING: LANDSCAPE-Zoning)

ZONING - LANDSCAPING-ALONG THE WEST PROPERTY LINE

6. In addition to the code requirements, landscaping along the west property line, shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip.
- b. one (1) palm for each for each thirty (30) linear feet of the property line with a maximum spacing of twenty (20) feet between clusters.
- c. a six (6) foot opaque concrete wall. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (BLDG PERMIT: LANDSCAPE - Zoning)

PARKING

1. Offsite parking and shuttle services shall be provided to visitors during all special events onsite. (ONGOING: CODENF Zoning)

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 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)