

RESOLUTION NO. R-2011- 0089

RESOLUTION APPROVING ZONING APPLICATION EAC-2010-02234  
(CONTROL NO. 1978-00005)  
an Expedited Application Consideration  
APPLICATION OF MCT Properties Inc  
BY Land Design South, Inc., AGENT  
(Hamptons Square)

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 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 EAC-2010-02234 was presented to the Board of County Commissioners at a public hearing conducted on January 27, 2011; 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 pursuant to Article 2 (Development Review Procedures) 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 the request; 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a an Expedited Application Consideration.

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 EAC-2010-02234, the petition of MCT Properties Inc, by Land Design South, Inc., agent, for an Expedited Application Consideration to modify Conditions of Approval (Building and Site Design) in the Planned Unit Development (PUD) 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 January 27, 2011, 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 Vana and, upon being put to a vote, the vote was as follows:

Commissioner Karen T. Marcus, Chair	-	Aye
Commissioner Shelley Vana, Vice Chair	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 27, 2011.

Filed with the Clerk of the Board of County Commissioners on February 1, 2011.

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

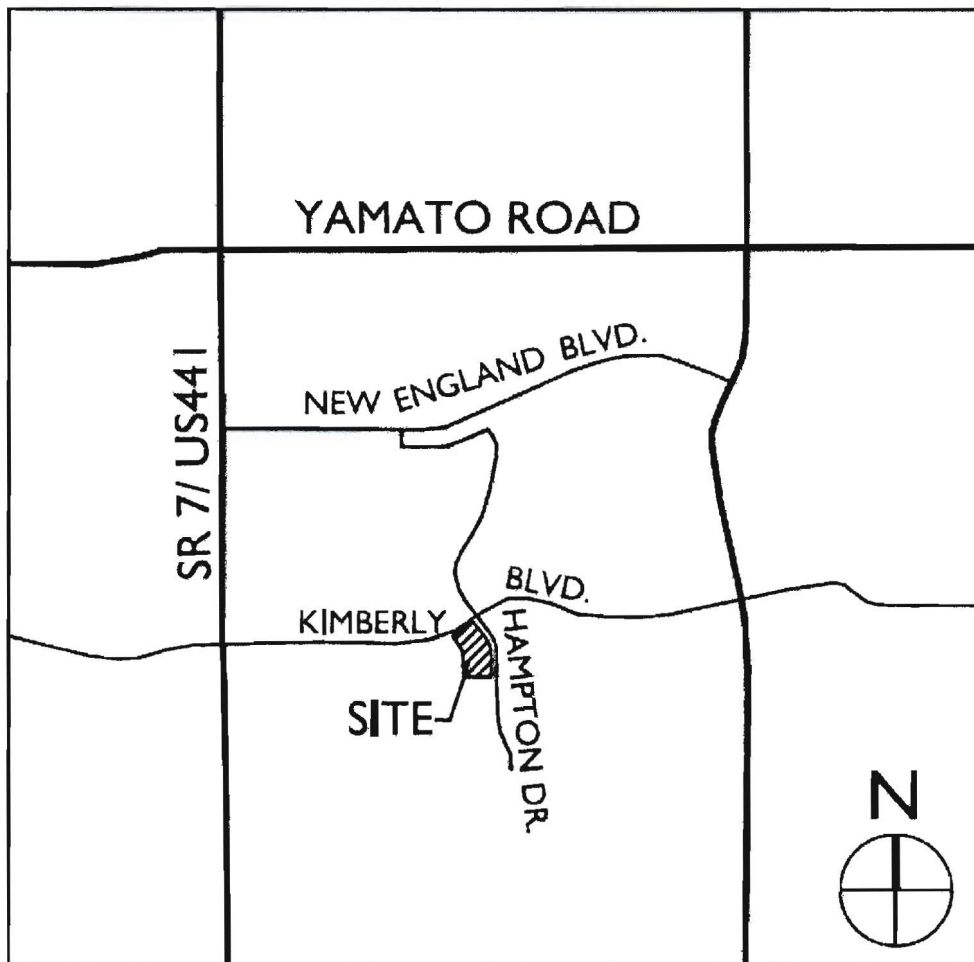
**Legal Description**

**Plat of Hamptons Square according to plat thereof, as recorded in Plat Book 37,  
Page 115 of the Public Records of Palm Beach County, Florida.**

EXHIBIT B  
VICINITY SKETCH

# LOCATION MAP

NTS.



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Previous Condition A.1 of Resolution R-2006-1203, Control No. 78-005 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-99-1683.1, Control No. 78-005, have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, 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 R-2006-1203 (Control No. 78-005), 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. Previous Condition A.2 of Resolution R-2006-1203, Control No. 78-005 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 is dated April 17, 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)

Is hereby amended to read:

The preliminary master plan is dated December 13, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

3. Development of the site for the place of worship Petition 78-05(F) is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated June 24, 1999. 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) (Previous Condition A.3 of Resolution R-2006-1203, Petition 78-005(E)).

4. The preliminary site plan for Commercial Pod 14 is dated December 16, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning).

#### ENGINEERING

1. Palm Beach County Engineering Department to provide design and drainage for Lyons Road to State Road 808 and said road shall be constructed by the developer. (ONGOING: ENGINEERING - ENG) (Previous condition E4 of Resolution No. R-2006-1203, Control No. 1978-005)

[Note: COMPLETED]

2. Developer shall improve and signalize the intersections of State Road No.7 and development entrance roads, when recommended by the Department of Transportation. Developer shall provide State Road No. 7 by- pass. (ONGOING: ENGINEERING - Eng) (Previous condition E5 of Resolution No. R-2006-1203, Control No. 1978-005)  
[Note: COMPLETED]

3. Developer shall construct Lyons Road within the property. (ONGOING: ENGINEERING - Eng) (Previous condition E6 of Resolution No. R-2006-1203, Control No. 1978-005)  
[Note: COMPLETED]

4. Developer shall construct Lyons Road from the south property line to Glades Road as a two-lane section. Palm Beach County Engineering Department shall provide design and drainage for this section of road. (ONGOING: ENGINEERING - Eng) (Previous condition E7 of Resolution No. R-2006-1203, Control No. 1978-005)  
[Note: COMPLETED]

5. Developer shall construct Lyons Road within the project limits as a four-lane section; the alignment of which shall be approved by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous condition E8 of Resolution No. R-2006-1203, Control No. 1978-005)  
[Note: COMPLETED]

6. Developer shall construct a left turn lane, west approach, a right turn lane, east approach, and a right turn lane and dual left turn lane, north approach, at the intersection of Lyons Road and Glades Road. The construction of a second left turn lane, north approach, shall be required when determined by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous condition E9 of Resolution No. R-2006-1203, Control No. 1978-005)  
[Note: COMPLETED]

7. Developer shall construct a right turn lane, south approach, at the intersection of Kimberly Boulevard and S.R. 7. (ONGOING: ENGINEERING - Eng) (Previous condition E10 of Resolution No. R-2006-1203, Control No. 1978-005)  
[Note: COMPLETED]

8. Developer shall signalize the intersection of Kimberly Boulevard and SR 7 when warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous condition E11 of Resolution No. R-2006-1203, Control No. 1978-005)  
[Note: COMPLETED]

9. Developer shall construct a left turn lane, north approach, and a right turn lane, south approach, at the intersection of New England Boulevard and SR 7. (ONGOING: ENGINEERING - Eng) (Previous condition E12 of Resolution No. R-2006-1203, Control No. 1978-005)  
[Note: COMPLETED]

10. Developer shall construct left and right turn lanes at the west, north and south approaches at the intersection of Kimberly Boulevard and Lyons Road. (ONGOING: ENGINEERING - Eng) (Previous condition E13 of Resolution No. R-2006-1203, Control No. 1978-005)  
[Note: COMPLETED]

11. Developer shall signalize the intersection of Kimberly Boulevard and Lyons Road when warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous condition E14 of Resolution No. R-2006-1203, Control No. 1978-005)  
[Note: COMPLETED]

12. Developer shall construct a left turn lane, south approach, and a left turn lane, west approach, at the intersection of New England Boulevard and Lyons Road. (ONGOING: ENGINEERING - Eng) (Previous condition E15 of Resolution No. R-2006-1203, Control

No. 1978-005)  
[Note: COMPLETED]

13. Developer shall signalize the intersection of New England Boulevard and Lyons Road when warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous condition E16 of Resolution No. R-2006-1203, Control No. 1978-005)

14. Developer shall construct a left turn lane, south approach, at the main entrance to the golf course clubhouse on Lyons Road. (ONGOING: ENGINEERING - Eng) (Previous condition E17 of Resolution No. R-2006-1203, Control No. 1978-005)  
[Note: COMPLETED]

15. Developer shall construct a right turn lane, south approach, at the intersection of the north entrance road and Lyons Road. (ONGOING: ENGINEERING - Eng) (Previous condition E18 of Resolution No. R-2006-1203, Control No. 1978-005)  
[Note: COMPLETED]

16. Developer shall signalize the intersection of Lyons Road and Glades Road when warranted as determined by the County Engineer. Developer's participation in this requirement shall be limited to a pro-rata share of total cost based upon traffic volumes at the time the traffic warrant is met, as determined by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous condition E20 of Resolution No. R-2006-1203, Control No. 1978-005)  
[Note: COMPLETED]

17. Developer shall construct a left turn lane, east approach, at the intersection of Kimberly Boulevard and the shopping center entrance. The entrance shall be located a minimum of six hundred sixty (660) feet from the centerline of Lyons Road. (ONGOING: ENGINEERING - Eng) (Previous condition E21 of Resolution No. R-2006-1203, Control No. 1978-005)  
[Note: COMPLETED]

18. Developer shall construct a left turn lane, south approach, at the intersection of Lyons Road and the shopping center entrance. The location of the entrance road shall be approved by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous condition E22 of Resolution No. R-2006-1203, Control No. 1978-005)  
[Note: COMPLETED]

19. The main entrances to the shopping center on both Kimberly Boulevard and Lyons Road shall be two (2) lanes in and two (2) lanes out. (ONGOING: ENGINEERING - Eng) (Previous condition E23 of Resolution No. R-2006-1203, Control No. 1978-005)

#### HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (Previous Condition D.1 of Resolution R-97-374, Control No. 78-005)

2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previous Condition D.2 of Resolution R-97-374, Control No. 78-005)

#### PROPERTY & REAL ESTATE MANAGEMENT

1. Developer shall dedicate two (2) percent of the project area to Palm Beach County or other civic use as allowed by the Code to be determined by Palm Beach County. (ONGOING: PREM - PREM) (Previously Condition D.1 of Resolution R-2006-1203, Control No. 78-005.)  
[NOTE:COMPLETED]

2. Developer shall provide an additional fifty (50) acres of recreation area to be comprised of an eight (8) foot bike path system throughout the project; a passive linear park system forty (40) feet in width around the lake frontage; and three (3) piers for boating access to the lake, one (1) being located on each of the major recreation areas on the lake.

In addition, within ninety (90) days of the Amendment of the Master Plan approval the Developer shall donate fifty thousand dollars (\$50,000.00) to Palm Beach County to be utilized offsite in the Boca Greens Park dedication area. (ONGOING: PREM - PREM) (Previously Condition D.2 of Resolution R-2006-1203, Control No. 78-005) [NOTE:COMPLETED]

#### SCHOOL BOARD

1.School Board Condition G.1 of Resolution R-2006-1203, Control No. 1978-005, which currently states:

Condition Prior to Final Site Plan Approval by the Development Review Officer (DRO), or no later than January 1, 2007, whichever shall occur first, the Developer shall donate fifty thousand dollars (\$50,000.00) to the School Board of Palm Beach County. (DRO/DATE: SCHOOL BOARD-School Board)

Is hereby deleted. [REASON: No longer applicable]

#### SOLID WASTE AUTHORITY

1.The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available. (ONGOING: SWA - SWA)(Previous Condition F.1 of Resolution R-2006-1203, Control No. 78-005)

#### USE LIMITATIONS - CHURCH-PLACE OF WORSHIP - RECREATION POD

1.Use of and access to parking for the recreation pod shared with the place of worship, and other uses including recreational activities, shall not be roped off, specially designated, or restricted in any manner. (ONGOING: CODE ENFORCEMENT - Zoning) (Previous Condition C.1 of Resolution R- R-2006-1203, Control No. 78-005)

2.Foundation planting or grade level planters shall be provided along the front and side facades of the structure 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 40% of the total length of each side of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRO: LANDSCAPE Zoning) (Previous Condition C.2 of Resolution R-2006-1203, Control No. 78-005)

3.Additional signage shall be limited to directional and wall signs only. Wall signs shall be limited to one sign with a maximum fifty (50) square feet sign face area to be located on the south facade only (front of the building facing the parking lot) (CO: BLDG - Zoning) (Previous Condition C.3 of Resolution R-2006-1203, Control No. 78-005)

#### USE LIMITATIONS - DAY CARE-COMMERCIAL POD

1.Prior to certification, the site plan shall be amended to indicate the following:

- a. The proposed structure for the day care center, shall be labeled as "two-story".
- b. The dumpster, if located outside, shall be completely screened by a six foot (6') high solid fence and located away from the outdoor play area. (DRO: ZONING-Zoning) (Previous Condition B.1 of Resolution R-2006-1203, Control No. 78-005)

2.Previous Condition B.2 of Resolution R-2006-1203, Control No. 78-005 which currently states:

The day care center shall be limited to a maximum of 220 children.

Is hereby amended to read:

The day care center shall be limited to a maximum of 97 children. (ONGOING: ZONING



Zoning)

3.No outdoor loud speaker system shall be permitted on site. (ONGOING: ZONING Zoning) (Previous Condition B.3 of Resolution R-2006-1203, Control No. 78-005)

4.The petitioner shall install adequate sign area to indicate the drop-off parking stalls and the parking spaces for the employees. (ONGOING: ZONING Zoning) (Previous Condition B.4 of Resolution R-2006-1203, Control No. 78-005)

5.Adequate directional sign area shall be installed to enable users to access and leave the site in a controlled manner. (ONGOING: ZONING Zoning) (Previously Condition B.5 of Resolution R-2006-1203, Control No. 78-005)

6.The landscaping along the six foot (6') fence, on the south perimeter of the outdoor play area, shall be upgraded to include a minimum of ten foot (10') tall native canopy trees spaced twenty feet (20') on-center. A minimum of one (1) twelve foot (12') tall tree shall be planted for each 500 square feet of outdoor activity area. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Condition B.6 of Resolution R-2006-1203, Control No. 78-005)

#### COMPLIANCE

1.In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/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 (CO); 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 Unified Land Development Code (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 Official Zoning Map Amendment, Conditional Use, Requested Use, 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. (ONGOING: MONITORING - Zoning)