

RESOLUTION NO. R-2691 -0962

RESOLUTION APPROVING ZONING PETITION DOA1 976-I 34(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF TYLANDER REALTY CORP
BY CAROLE TURK, AGENT
(PONDEROSA INDUSTRIAL PARK TRACT A)

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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1 976-I 34(A) was presented to the Board of County Commissioners at a public hearing conducted on June 25, 2001; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), 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 made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development **Order Amendment** is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development **Order Amendment** meets applicable local land development regulations.
7. This Development **Order Amendment**, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition DOA1976-134(A), the petition of Tylander Realty Corp, by Carole Turk, agent, for a Development Order Amendment (DOA) to reconfigure site plan and add square footage 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 25, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus		Absent
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye
Addie L. Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on June 25, 2001.

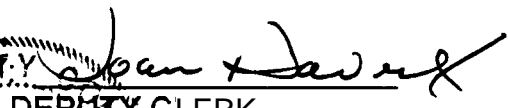
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY :


COUNTY ATTORNEY


DEPUTY CLERK

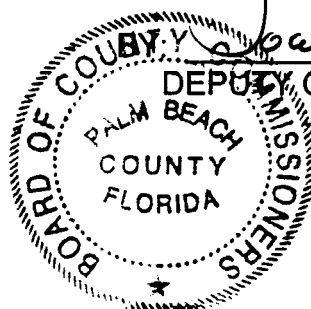


EXHIBIT A

LEGAL DESCRIPTION

TRACT "A", PONDEROSA INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34 AT PAGES 113 AND 114 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE FOLLOWING DESCRIBED PARCEL:

KNOWN AS STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL NO. 120:

THAT PART OF TRACT "A", PONDEROSA INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34 AT PAGE 113 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "A"; THENCE SOUTH 0059'41" EAST ALONG THE WEST LINE OF SAID TRACT "A", A DISTANCE OF 143.102 METERS (469.49 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 8830'32" EAST A DISTANCE OF 141.918 METERS (465.61 FEET) TO A POINT ON THE EAST LINE OF SAID TRACT "A" AND THE WESTERLY EXISTING RIGHT OF WAY LINE FOR PLATTED KELLY DRIVE; THENCE SOUTH 0055'51" EAST ALONG THE EAST LINE OF SAID TRACT "A" AND SAID WESTERLY EXISTING RIGHT OF WAY LINE A DISTANCE OF 0.436 METERS (1.43 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 80 (SOUTHERN BOULEVARD) ACCORDING TO THAT FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93120-2543; THENCE SOUTH 4519'07" WEST ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE A DISTANCE OF 11.058 METERS (36.28 FEET); THENCE NORTH 8825'54" WEST ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE A DISTANCE OF 133.921 METERS (439.37 FEET) TO A POINT ON THE WEST LINE OF SAID TRACT "A"; THENCE NORTH 0059'41" WEST ALONG SAID WEST LINE, A DISTANCE OF 8.241 METERS (27.04 FEET) TO THE POINT OF BEGINNING.

CONTAINING 5.10 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

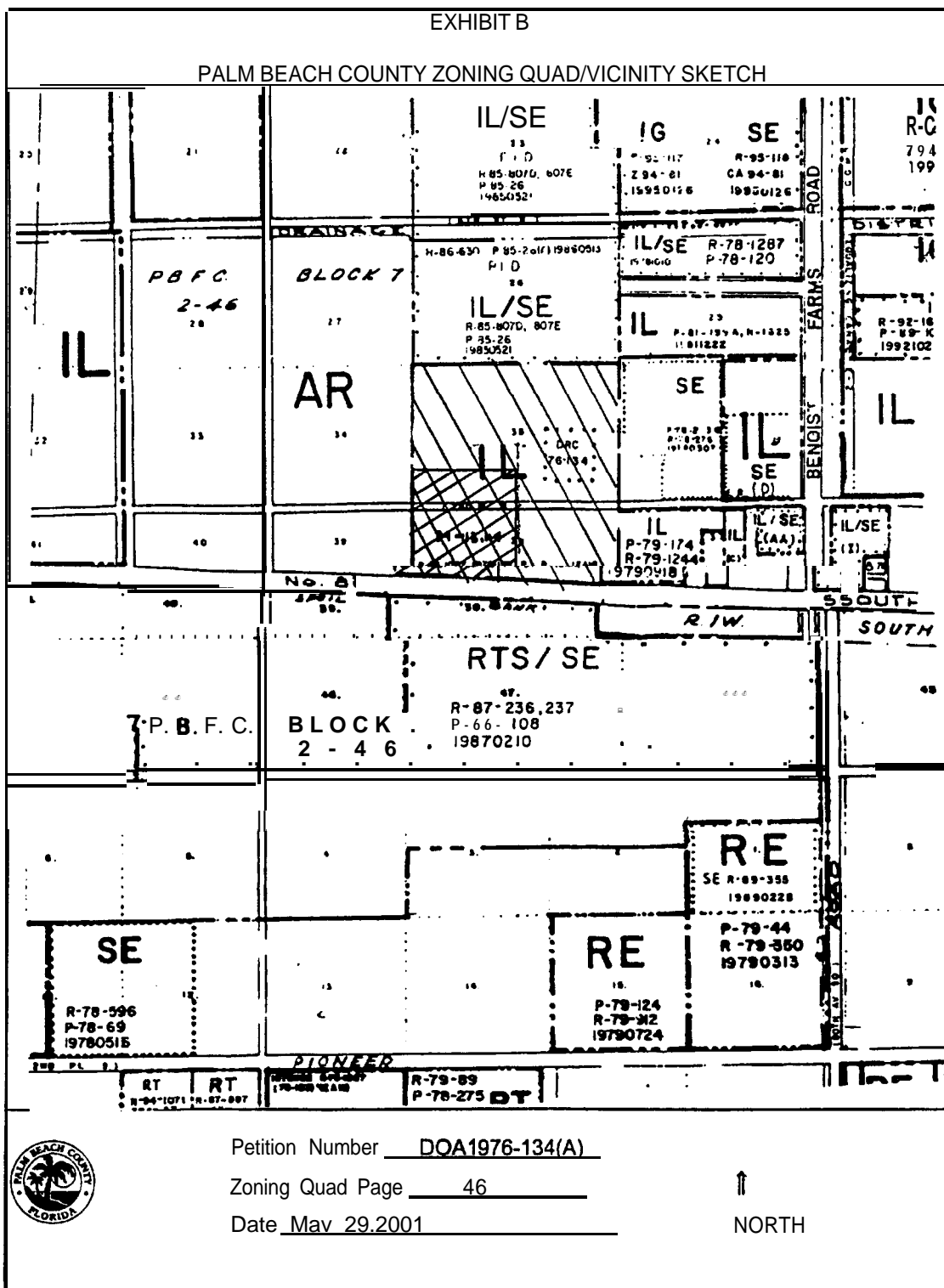


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-76-I 037 (Petition 76-I **34**), have been consolidated as contained herein. The petitioner 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)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated April 10, 2001. 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) (applicable to Tract A only)

B. BUILDING AND SITE DESIGN (TRACT A ONLY)

1. Total gross floor area shall be limited to a maximum of 36,483 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division and DRC. (DRC: ZONING)
2. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. All ground or roof mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
4. No barbed or razorwire shall be permitted on the site. (CO/ONGOING: BLDG -Zoning/CODE ENF)

C. LANDSCAPE STANDARD

1. For proposed or replacement of canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,

- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE -Zoning) (applicable to Tract A only)
2. All palms required to be planted on site 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) (applicable to Tract A only)
 3. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning) (applicable to Tract A only)
 4. **Developer shall provide the following perimeter buffer areas:**
 - a) **North - Fifteen (15) feet**
 - b) **South - Twenty-five (25) feet**
 - c) **East - Fifteen (15) feet**
 - d) **West - Twenty-five (25) feet (CO: LANDSCAPE)**

(Previously Condition 1. of Resolution R-76-I 037, Petition 76-134) (applicable to the overall PID)

5. **Developer shall preserve as many trees as possible as indicated on Site Plan, Exhibit No. 6, and shall protect trees of significant value as determined by the Planning, Building and Zoning Departments' urban forester.** (ERM/ LANDSCAPE) (Previously Condition 3. of Resolution R-76-1037, Petition 76-I 34) (applicable to the overall PID)

D. LANDSCAPING ALONG SOUTH PROPERTY LINE (SOUTHERN BOULEVARD FRONTAGE TRACT "A" ONLY)

1. **Prior to December 1, 2002** or issuance of Certificate of Occupancy, whichever comes first, any native plant materials which may be affected by the road expansion, shall be relocated within the proposed right-of-way buffer for Southern Boulevard. In case the plant materials are damaged or destroyed during the transplanting process, the petitioner/property owner shall replace with similar species. (DATE/CO: LANDSCAPE/ENG)

E. ENGINEERING (FOR OVERALL PID)

1. **Developer shall dedicate to Palm Beach County the additional right-of-way required for a one hundred twenty (120) foot right-of-way for State Road 80 within ninety (90) days, and shall also reserve an additional eighty (80) feet for future right-of-way.** (ENG) (Previously Condition 2. of Resolution R-76-I 037, Petition 76-134) (Complete)
2. Prior to September 1, 2001, the property owner shall convey a temporary roadway construction easement along Southern Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and

the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING-Eng)

3. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Southern Boulevard 220 feet north of the existing north right of way line of Southern Boulevard or a lesser amount if approved by the Florida Department of Transportation and County Engineer. This right of way shall be conveyed prior to **September 1, 2001**, or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)
4. Prior to Site Plan approval by the DRC, the property owner shall revise the site plan for the site to align the project entrance with Gator Lane. (DRC: ENG)

F. 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 Division 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 5.8 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. (MONITORING)