

RESOLUTION NO. R-2002- 0835

RESOLUTION APPROVING ZONING PETITION Z/COZ2001-056
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF PALM BEACH CARPENTERS JOINT HOLDING COMPANY
BY SCOTT MOSOLF, AGENT
(CARPENTERS UNION)

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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition Z/COZ2001-056 was presented to the Board of County Commissioners at a public hearing conducted on May 23, 2002; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner 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 made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is 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) with approved conditions 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) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20, as amended; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 Z/COZ2001-056, the petition of Palm Beach Carpenters Joint Holding Company by Scott Mosolf, agent, for an Official Zoning Map Amendment for a rezoning from Residential Medium Density to General Commercial with a CONDITIONAL OVERLAY ZONE (COZ) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on May 23, 2002, subject to the conditions of the CONDITIONAL OVERLAY ZONE (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti 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. Neweil, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
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 May 23, 2002.

Filed with the Clerk of the Board of County Commissioners on 10 day of June, 2002.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

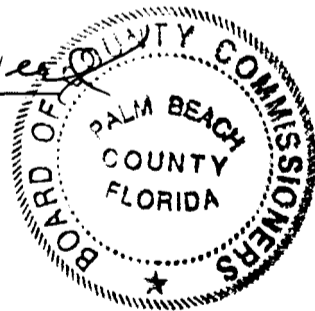


EXHIBIT A
LEGAL DESCRIPTION

Beginning at a point on the westerly boundary line of Section 29, Township 43 South, Range 43 East, which point is 3,061.92 feet north of the southwest corner of said Section; thence east parallel to the north Section line a distance of 660 feet; thence north parallel to the west Section line a distance of 172.85 feet; thence west parallel to the north Section line a distance of 660 feet; thence south along the west Section line a distance of 173.08 feet to the Point of Beginning, excepting therefrom the right of way for the road known and used as Congress Avenue and rights of way for drainage canals.

Containing 107,063.963 square feet or 2.4579 acres more or less.

EXHIBIT B
VICINITY SKETCH

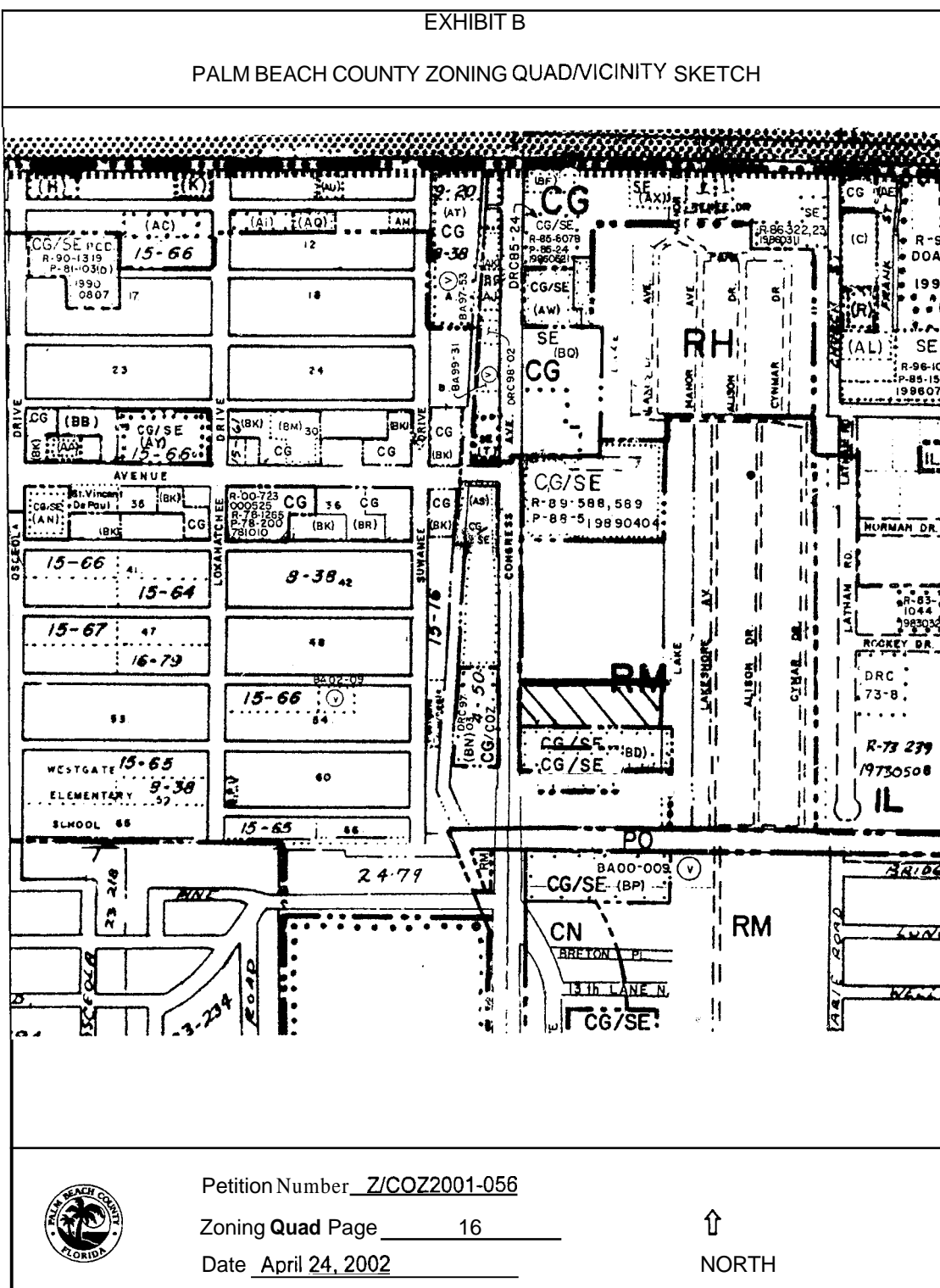


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 February 17, 2002. 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)

B. ARCHITECTURAL REVIEW

1. At time of submittal for final DRC certification of the site plan, the architectural elevations shall be submitted simultaneously with the site plan for final architectural review and approval. Both, elevations and the site plan shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and DRC certified site plan. (DRC: ZONING – Zoning)
2. All mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment, consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (DRC: ZONING – Zoning)

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within forty (40) feet of the north property line and shall be confined to the area designated on the site plan. (DRC/ONGOING: ZONING/CODE ENF – Zoning)

D. LANDSCAPING STANDARD

1. All trees to be planted in the right-of-way 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)
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)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights, with exception to five (5) foot wide buffers. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub; and
 - c. forty-eight (48) to seventy-two (72) inches – large shrub. (CO: LANDSCAPE – Zoning)
- 4. All trees and palms shall be planted in a meandering and naturalistic pattern, with exception to five (5) foot wide buffers. (CO: LANDSCAPE - Zoning)
 - 5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

- 1. Prior to January 1, 2003 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Congress Avenue, 60 feet from centerline along the project's entire frontage, free of all encumbrances and encroachments. The 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)
- 2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Congress Avenue 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. (BLDG. PERMIT: MONITORING-Eng)
- 3. Prior to the issuance of a Certificate of Occupancy the property owner shall participate in the future median landscaping program of Congress Avenue adjacent to the site by the Westgate CRA. Funding for this program by the property owner shall be in accordance with Board of County Commission policy, R-2000-0002 of the Westgate CRA dated 4/10/2000. (CO: MONITORING – Eng)

F. LANDSCAPING ALONG WEST PROPERTY LINE (CONGRESS AVENUE FRONTAGE)

- 1. Landscaping along the west property line abutting Congress Avenue shall be upgraded to include:
 - a. A minimum twenty (20) foot wide right-of-way buffer strip. No easement encroachment or width reduction shall be permitted;
 - b. A continuous two (2) foot high berm measured from finished grade;
 - c. One (1) canopy tree for each thirty (30) linear feet of property line;
 - d. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
 - e. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - f. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - g. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

G. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping along the north property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide buffer strip. No easement encroachment or width reduction shall be permitted;
 - b. A six (6) foot high wood fence;
 - c. One (1) native canopy tree for each twenty (20) linear feet of property line, to be planted alternating on both sides of the fence; and
 - d. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, to be planted alternating on both sides of the fence. (CO: LANDSCAPE – Zoning)
2. The following landscaping shall be required along the interior side of the required fence:
 - a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches; and
 - b. One (1) medium shrub for each six (6) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches. (CO: LANDSCAPE – Zoning)
3. Along the exterior side of the required fence, the property owner shall install twenty-four (24) inch high shrub or hedge material space no more than twenty-four (24) inches on center, to be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE – Zoning)
4. Location of plant materials and fence may be adjusted to accommodate existing Sabal Palms. (CO: LANDSCAPE – Zoning)

H. LANDSCAPING - INTERIOR

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING – Zoning)
2. Required foundation planting or grade level planters shall be upgraded as follows:
 - a. The minimum width of the required landscape area on the west facade shall be eight (8) feet;
 - b. The length of the all required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. One (1) canopy tree or cluster of palms for each twenty (20) linear feet of building facade; and
 - d. One (1) thirty-six (36) inch high shrub for each two (2) linear feet of foundation planting area, to be planted at a minimum height of eighteen (18) inches. (DRC/CO: ZONING/LANDSCAPE – Zoning)

I. LIGHTING

1. **All** outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor, freestanding lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)

3. All outdoor, freestanding lighting fixtures be setback fifty (50) feet from the north and east property lines. (CO: BLDG – Zoning)
4. All outdoor lighting shall be extinguished no later than 11:00 p.m. excluding security lighting only. (ONGOING: CODE ENF – Zoning)
5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF-Zoning)

J. PLANNING

1. Prior to the issuance of the certificate of occupancy, the petitioner shall pave a vehicular drive-way to the edge of the northern property line at the location shown on the site plan that reads “future cross connection.” (CO: MONITORING – Planning)

K. SIGNS

1. Freestanding point of purchase signs shall be limited as follows:
 - a. Maximum sign height: nine (9) feet, four (4) inches;
 - b. Maximum total sign face area: one-hundred (100) square feet;
 - c. Maximum number of signs: one (1);
 - d. Location: within twenty-five (25) feet of the Congress Avenue entrance. Distance shall be measured from the centerline of the access drive;
 - e. Style: monument; and
 - f. Signs shall be limited to project identification only. (CO: BLDG - Zoning)
2. Wall signs shall be limited to the west facade and individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to project identification only. (CO: BLDG - Zoning)

L. USE LIMITATIONS

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF – Zoning)
2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF – Zoning)
3. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space located in the rear of the property. (ONGOING: CODE ENF – Zoning)

M. 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 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. (ONGOING: MONITORING – Zoning)