

RESOLUTION NO. R-96-1741

RESOLUTION APPROVING ZONING PETITION Z92-44(A)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF GLADES PIKE EAST, LTD./GLADES PIKE INY. LTD.
BY SARA LOCKHART, AGENT,
(SUNSHINE WIRELESS CO.)

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

WHEREAS, Zoning Petition Z92-44(A) was presented to the Board of County Commissioners at a public hearing conducted on October 24, 1996; 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) 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) 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) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11 (Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code; 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 Z92-44(A), the petition of Glades Pike East, Ltd./Glades Pike Inv. Ltd., by Sara Lockhart, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) Zoning District to the General Commercial (CG) Zoning District 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 October 24, 1996 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt Aaronson, Vice Chair	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 24, 1996.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: COUNTY ATTORNEY

BY: DEPUTY CLERK

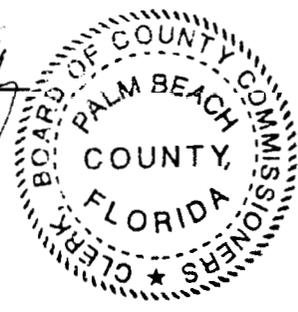


EXHIBIT A
LEGAL DESCRIPTION

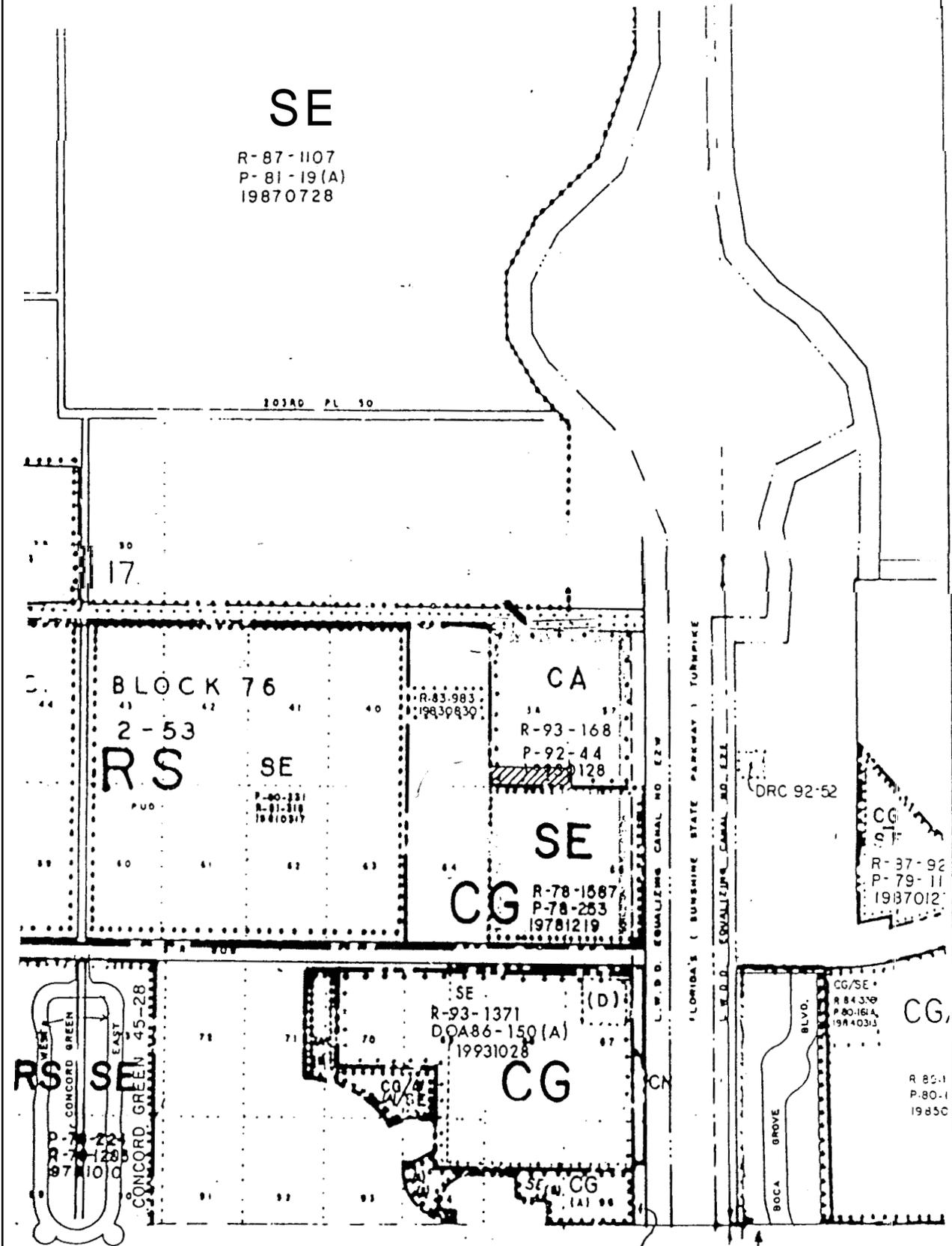
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THE SOUTH 70.00 FEET OF TRACT **38**, BLOCK 76, PALM BEACH FARMS COMPANY PLAT NO. **3**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES **45** THROUGH **54** IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING AND SITUATE IN PALM BEACH COUNTY, FLORIDA, CONTAINING 23,100 SQUARE FEET, 0.530 ACRES, MORE OR LESS.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition Number: 92-44(A)
 Zoning Quad Page _____
 Date: 9/6/96



EXHIBIT C

VOLUNTARY COMMITMENTS

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. **Prior to May 1, 1993 the petitioner shall apply for and receive Development Review Committee certification for the site plan approved by the Board of County Commissioners on January 28, 1993, by Petition No. 92-44. No administrative time extension to this condition shall be allowed. (Previously Condition A.1 of Resolution R-93-168, Petition 92-44) (MONITORING-Zoning)**
2. **Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape and Vegetation and Preservation requirements of the Palm Beach County Land Development Code. (Previously Condition A.2 of Resolution R-93-168, Petition 92-44) (DRC: ZONING)**
3. **Prior to site plan certification, the petitioner shall submit a tree survey drawn at the same scale as the site plan. This survey shall number, size and identify all hardwood and palm trees over four (4) inches in diameter and all native pine trees over four (4) inches in diameter in a tabular form. (Previously Condition A.3 of Resolution R-93-168, Petition 92-44) (DRC: ZONING)**
4. **Prior to February 14, 1995, the petitioner shall remove the existing billboards and provide documentation to the zoning Division that the existing billboards have been removed from the site. (Previously Condition A.4 of Resolution R-93-168, Petition 92-44) (MONITORING-Zoning)**
5. **All previous conditions of approval applicable to the subject property, as contained in Resolution R-93-168 (Petition 92-44), 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)**

B. BUILDING AND SITE DESIGN

1. **Total gross floor area shall be limited to a maximum of 8396 square feet. (Previously Condition B.1 of Resolution R-93-168, Petition 92-44) (DRC: BLDG/ZONING)**
2. **All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (Previously Condition B.2 of Resolution R-93-168, Petition 92-44) (CO/ONGOING: BLDG/CODE ENF - Zoning)**

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances- fuels, oils, solvents, or other hazardous chemicals is required. Dept. of Environmental Resource Management staff are willing to provide guidance on appropriate protective measures. (Previously Condition C.1 of Resolution R-93-168, Petition 92-44) (DRC: BLDG/ERM)

D. FAA

1. Prior to site plan certification, the petitioner shall submit documentation to the Zoning Division which demonstrates that the proposed facility does not violate FAA Regulations and/or advisory circulars of the Palm Beach County Airport Zoning Regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports. (Previously Condition D.1 of Resolution R-93-168, Petition 92-44) (DRC: AIRPORTS - Zoning)

E. ENGINEERING

No conditions.

F. LANDSCAPING - STANDARD

1. All trees required to be planted on site by this approval, 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.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clustering: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
 - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG NORTH PROPERTY LINE OF .53 ACRE TRACT (ABUTTING TOWER SITE)

1. Landscaping and buffering along the north property line shall be identified as an Alternative Type 1 buffer and upgraded to include:
 - a. One (1) canopy tree planted every twenty (20) feet on center;

- b. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (DRC / CO: ZONING / LANDSCAPE)

H. **LANDSCAPING ALONG EAST AND WEST PROPERTY LINES OF THE .53 ACRE TRACT** (ABUTTING RESIDENTIAL AND ACCESS DRIVE)

1. Landscaping and buffering along the east and west property lines shall be identified as an Alternative Type 3 buffer and upgraded to include:
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (DRC / CO: ZONING / LANDSCAPE)

I. **RADIO TOWERS**

1. Palm Beach County or the State of Florida shall have the right to co-locate communication equipment on the tower subject to an acceptable lease agreement provided that the placement of the equipment does not interfere with the petitioner's equipment or operations. (Previously Condition F.1 of Resolution R-93-168, Petition 92-44) (ONGOING: PREM)
2. Simultaneously with submittal to Site Plan Review Committee, the petitioner shall submit two copies of one-hundred ten percent break-point calculations for the tower. The calculations and tower location shall be subject to approval by the Planning, Zoning & Building Department. (Previously Condition F.2 of Resolution R-93-168, Petition 92-44) (DRC: BLDG/ZONING)
3. Prior to site plan certification, the petitioner shall provide documentation that the tower does not encroach into any public or private airport runway protection zone as established by the Federal Aviation Administration. This documentation shall be approved by the Palm Beach County Department of Airports. (Previously Condition F.3 of Resolution R-93-168, Petition 92-44) (DRC: AIRPORTS - Zoning)

J. **VEGETATION PRESERVATION**

1. Prior to site plan certification, the petitioner shall submit a Vegetation Preservation Report which details methods of preservation. These methods shall be approved by the Zoning Division and be in place prior to final issuance of the Vegetation Removal Permit. (Previously Condition G.1 of Resolution R-93-168, Petition 92-44) (DRC: ERM/ZONING)
2. Prior to site plan certification, the petitioner shall submit a Vegetation Preservation Program acceptable to the Zoning Division. The program shall identify all trees to be preserved, or relocated and where they are to be relocated to, and shall establish appropriate protection measures during the construction and site development phases of the project. (Previously Condition 6.2 of Resolution R-93-168, Petition 92-44) (DRC: ERM/ZONING)

K. UNITY

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of control for the 0.53 acre tract. The unity of control document shall require unity with the property to the south (West Boca Place Shopping Center) and shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

L. COMPLIANCE

1. 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; 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.

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)