

FILE COPY

RESOLUTION NO. R-96-1959

RESOLUTION APPROVING ZONING PETITION PDD96-63
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF CAROLYN LOBSINGER & P.A. LOBSINGER, SR.
AND LOUELLA LOBSINGER
BY KIERAN KILDAY, AGENT
(LA-Z-BOY MUPD)

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 PDD96-63 was presented to the Board of County Commissioners at a public hearing conducted on December 2, 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) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; 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 PDD96-63, the petition of Carolyn Lobsinger & P.A. Lobsinger, Sr. & Louella Lobsinger by Kieran Kilday, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) from Residential Single Family (RS) to Multiple Use Planned Development (MUPD) 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 December 2, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on December 2, 1996.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: Burt Aaronson
COUNTY ATTORNEY

BY: Joan Hawerly
DEPUTY CLERK

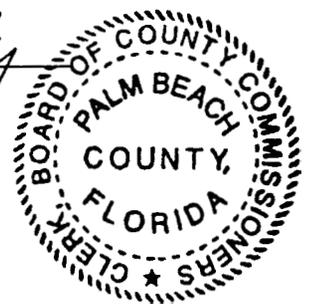


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

THE EAST ONE-HALF (**E 1/2**) OF THE NORTHEAST ONE-QUARTER (**N.E. U4**) OF THE NORTHWEST ONE-QUARTER (**N.W. U4**) OF THE NORTHEAST ONE-QUARTER (**N.E. 1/4**) OF SECTION 27, TOWNSHIP 44 SOUTH, RANGE 42 EAST, **PALM BEACH COUNTY, FLORIDA, LESS** THE SOUTH 268.06 FEET THEREOF. **SAID LANDS** LYING IN PALM BEACH COUNTY, FLORIDA.

ALSO KNOWN AS

A PORTION OF THE EAST **ONE-HALF** (**E 1/2**) OF THE NORTHEAST ONE-QUARTER (**N.E. 1/4**) OF THE NORTHWEST ONE-QUARTER (**N.W. V4**) OF THE NORTHEAST ONE-QUARTER (**N.E. U4**) OF SECTION 27, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED **AS** FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF **SAID** SECTION 27;

THENCE WEST (ON AN ASSUMED BEARING) ALONG THE NORTH LINE OF **SAID** SECTION 27, A DISTANCE OF 1349.77 FEET TO **THE NORTHEAST** CORNER OF THE NORTHEAST ONE-QUARTER (**N.E. 1/4**) OF THE NORTHWEST ONE-QUARTER (**N.W. 1/4**) OF THE NORTHEAST ONE-QUARTER (**N.E. 1/4**) OF **SAID** SECTION 27;

THENCE SOUTH 00°28'12" EAST, ALONG **THE** EAST LINE OF THE NORTHEAST ONE-QUARTER (**N.E. 1/4**) OF THE NORTHWEST ONE-QUARTER (**N.W. 1/4**) OF THE NORTHEAST ONE-QUARTER (**N.E. 1/4**) OF **SAID** SECTION 27, A DISTANCE OF 30.00 FEET TO **THE POINT OF BEGINNING** (**SAID** POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH ROAD);

THENCE CONTINUE SOUTH 00°28'12" EAST, ALONG **SAID** EAST LINE, 382.92 FEET;

THENCE NORTH 89°59'24" WEST, 337.67 FEET TO THE WEST LINE OF THE EAST ONE-HALF (**E 1/2**) OF THE NORTHEAST ONE-QUARTER (**N.E. 1/4**) OF THE NORTHWEST ONE-QUARTER (**N.W. 1/4**) OF THE NORTHEAST ONE-QUARTER (**N.E. V4**) OF **SAID** SECTION 27;

THENCE NORTH 00°27'18" WEST, ALONG **SAID** WEST LINE, 382.86 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH ROAD;

THENCE EAST, ALONG **SAID** SOUTH RIGHT-OF-WAY LINE, 337.47 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA CONTAINING 129,229 SQUARE FEET (2.967 ACRES) MORE OR LESS.

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 September 27, 1996. 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. ACCESS

1. Vehicular access to the site shall be limited to the shared driveway located in the northeast corner of the property. (DRC: ZONING)
2. Prior to final site plan certification by the Development Review Committee (DRC), the petitioner shall record a cross access agreement with the adjacent property owner to the east. The cross access agreement shall be in a form acceptable to the County Attorney. (DRC: ZONING - Co Att)

C. ANNEXATION

1. Prior to receipt of a building permit, the property owner shall execute an agreement for voluntary annexation into the City of Greenacres. Annexation to occur at the discretion of the City of Greenacres. (BLDG PERMIT: PLANNING)

D. ARCHITECTURAL CONTROL

1. All buildings and structures shall be designed and constructed by the use of common elements such as consistent forms, colors, architectural details and landscape materials. (BLDG PERMIT: BLDG - Zoning)
2. Similar architectural character and treatment shall be provided on all sides of the buildings. (BLDG PERMCT: BLDG-Zoning)
3. All air conditioning and mechanical equipment 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/LANDSCAPE - Zoning)
4. Interior and exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (BLDG PERMIT: MONITORING - Bldg/ Zoning)

E. ENGINEERING

1. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project to be paid at the time of issuance of the Building Permit presently is \$43,395 (789 trips X \$55.00 per trip) (ONGOING: ACCOUNTING - Fair Share Fee Coordinator).

F. BUILDING AND SITE DESIGN

1. The minimum setback for all structures adjacent to the south property line shall be one hundred and fifty (150) feet excluding wing/screen walls for loading areas. (DRC: ZONING)
2. The maximum height for all structures, measured from finished grade to highest point, shall be one story and not exceed twenty-two (22) feet. (BLDG PERMIT: BLDG - Zoning)
3. A maximum of two buildings shall be permitted on site. (DRC: ZONING)

G. LANDSCAPING - STANDARD

1. All canopy 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 installation:
 - a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
 - 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)

H. LANDSCAPING ALONG NORTH PROPERTY LINE (LAKE WORTH ROAD)

1. Landscaping and buffering along the north and northeast corner of the property shall include:
 - a. minimum twenty (20) feet wide landscape buffer strip;
 - b. one (1) canopy tree for each three hundred square feet buffer area;
 - c. one (1) palm or pine tree for each twenty-five (25) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters.
 - d. twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches.

- e. credit may be given for existing or relocated native vegetation provided it meets current ULDC requirements. (DRC/ONGOING: ERM/ LANDSCAPE/CODE ENF-Zoning)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the south property line shall include:
 - a. minimum thirty (30) feet wide landscape buffer strip;
 - b. Prior to certification of the Site Plan/Regulating Plan by the Development Review Committee, the property owner shall indicate existing native vegetation to be preserved within the south perimeter buffer. Credit may be given for existing or relocated native vegetation provided it meets current ULDC requirements. (DRC: ERM/LANDSCAPE)

J. LANDSCAPING ALONG EAST PROPERTY LINE

- 1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted for each three hundred square feet buffer area;
 - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - d. 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 forty-eight (48) inches.
 - e. Credit may be given for existing or relocated native vegetation provided it meets current ULDC requirements. (DRC/CO: ERM/ZONING/LANDSCAPE)
- 2. Landscaped divider median with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be eighty (80) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: ZONING)
- 3. Interior grade-level tree planters shall be required within all applicable parking areas in accordance with Section 7.3.E.2.a(2)(b) of the ULDC. (DRC / CO: ZONING / LANDSCAPE)

4. Landscape foundation planting areas shall be provided on the south facades of all structures. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape islands shall be no less than 40% of the total length of the applicable side of the structure. All required landscape islands shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (DRC/CO: ZONING / LANDSCAPE)

K. MUPD

1. To ensure consistency with the site plan dated September 27, 1996 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING)
2. Prior to certification of the site plan /Regulating Plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)
3. Prior to certification of the site plan /Regulating Plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

L. PARKING

1. A maximum of 122 parking spaces shall be allowed on site. (DRC: ZONING)
2. All delivery and/or loading areas shall be screened from view from the south property line by a twelve (12) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principle structure. (CO: BLDG - Zoning)
3. 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)

M. SIGN

1. The freestanding point of purchase sign fronting on Lake Worth Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 150 square feet;
 - c. Maximum number of signs - one (1) ;

- d. Location - northeast entrance; and
- e. Style - monument style only. (CO: BLDG)

N. TREE PRESERVATION

- 1. Prior to certification of the Site Plan/Regulating Plan by the Development Review Committee, the property owner shall indicate existing native vegetation to be preserved within all perimeter buffers. Credit may be given for existing or relocated native vegetation provided it meets current ULDC requirements. (DRC: ERM/LANDSCAPE)
- 2. A pre-clearing inspection shall be required prior to removal of any vegetation. All native vegetation within the perimeter landscape strips shall be identified and protective devices installed at the time of inspection. Protective barriers shall remain in place throughout the construction process. (DRC: ERM/LANDSCAPE)

O. USE LIMITATION

- 1. Use of the site shall be limited to 16,402 square feet for furniture sales and 8,000 square feet of general retail or other permitted uses that generate comparable or less traffic. (DRC: TRAFFIC/ZONING)
- 2. Retail business activity shall not be allowed on site, including deliveries, prior to 7:00 a.m. nor continue later than 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
- 3. Open storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. This condition shall not apply to delivery vehicles or trucks parked in designated loading areas. (ONGOING: CODE ENF - Zoning)

P. 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)