

RESOLUTION APPROVING ZONING PETITION Z97-23
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF LANTANA OSBORNE ENTERPRISES, INC.
BY JAMES MILLER, ESQUIRE, AGENT
(LANTANA OSBORNE ENTERPRISES)

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 Z97-23 was presented to the Board of County Commissioners at a public hearing conducted on October 23, 1997; 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. Based upon the evidence available at this time, 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 Z97-23, the petition of Lantana Osborne Enterprises, Inc., by James Miller, Esquire, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Multifamily Residential-High Density (RH) Zoning District to the Limited Office Commercial (CLO) 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 23, 1997 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 Newell and, upon being put to a vote, the vote was as follows:

Burt Aaronson, Chair	--	Absent
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Absent
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 July 23, 1998.

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

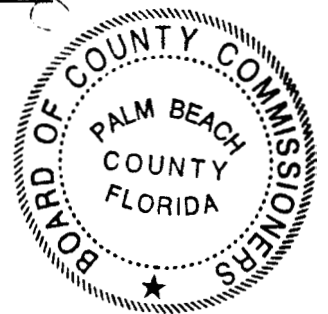


EXHIBIT A
LEGAL DESCRIPTION

Property Control Number (PCN) - 00-43-45-05-05-000-0011

THAT PORTION OF LOT A AND THE NORTH HALF (N1/2) OF LOT 1 LYING WEST OF PINE DRIVE, IN SECTION 32, TOWNSHIP 44 AND ½ SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT OF LAKE OSBORN PARK, ON THE FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 7, PAGE 10, TOGETHER WITH, THAT PORTION OF LAND DESCRIBED IN TRUSTEES OF THE INTERNAL IMPROVEMENT FUND DEED NO. 20475, RECORDED IN DEED BOOK 1030, PAGE 225, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING NORTH OF THE SOUTH LINE OF THE NORTH HALF (N1/2) OF SAID LOT 1.

TOTAL ACREAGE: CONTAINING 1.0 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

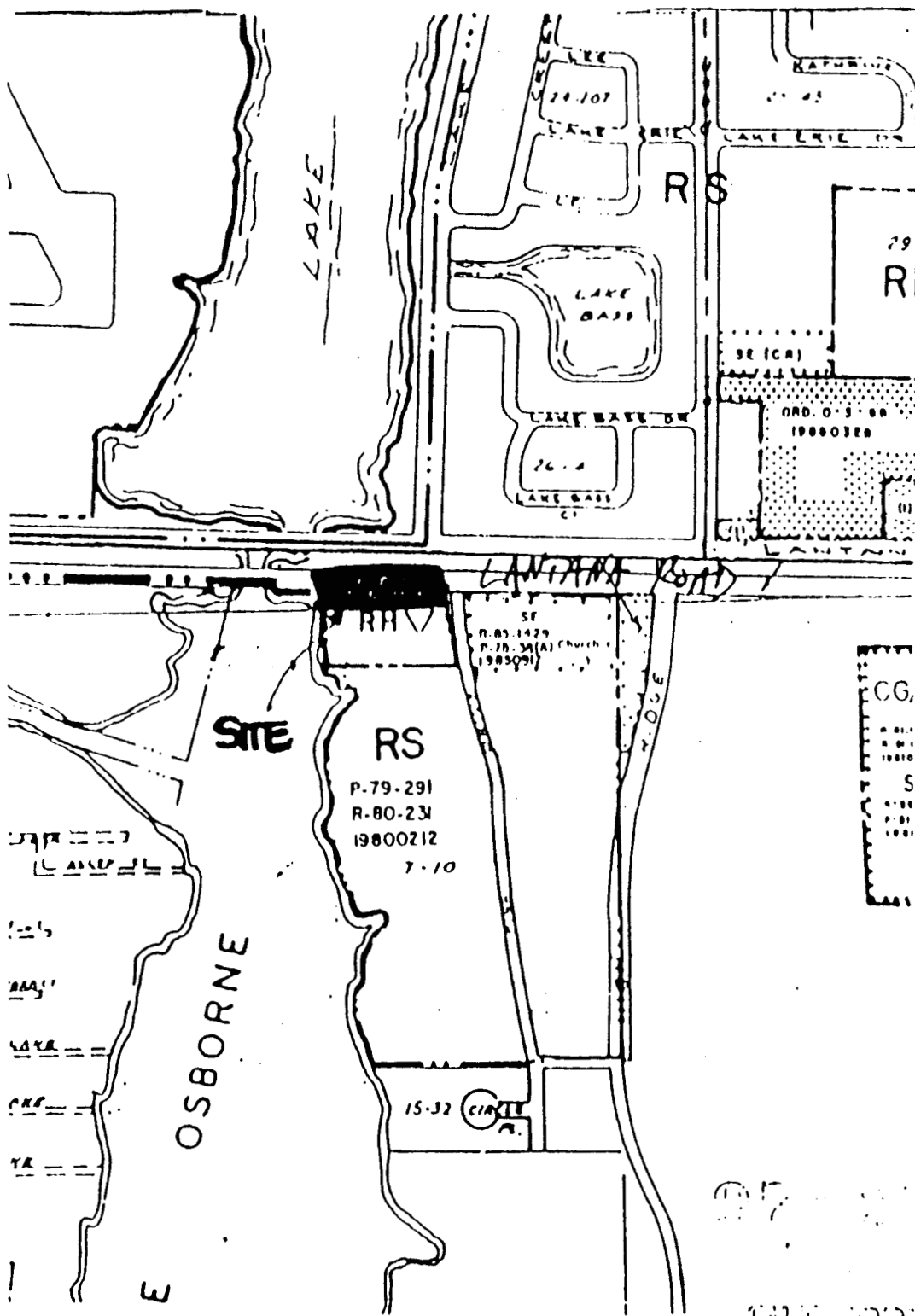


EXHIBIT C

VOLUNTARY COMMITMENTS

A. LANDSCAPE - 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: twelve (12) 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;
 - 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. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (CO: LANDSCAPE - Zoning)

B. LANDSCAPING ABUTTING RESIDENTIAL

1. Landscaping along the south property line shall include:
 - a. minimum five (5) foot wide landscape buffer strip from the east property line for a distance of 420' westward and minimum of fifteen (15) foot wide landscape buffer strip for the remaining forty (40) feet;
 - b. six (6) foot high opaque prefabricated concrete wall setback a minimum of three (3) feet from the property line. The wall shall only be required within the five (5) foot wide buffer along the 420' length. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting residential development;
 - c. one (1) canopy tree installed twenty (20) feet on center on the interior side of the wall;
 - d. one (1) palm or pine tree for each twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters installed on the interior side of the wall; and,
 - e. twenty four (24) inch high wax myrtle, installed on the exterior side of the fence, no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches. (CO / ONGOING: LANDSCAPE / CODE ENF - Zoning)

C. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting fixtures, including wall mounted lights, shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. 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)

D. SIGNS

1. All signs, including wall mounted signs on the building, shall be limited as follow:
 - a. Maximum sign height, measured from the top of the curb to the highest point - Eight (8) feet;
 - b. Maximum sign face area per side - 80 square feet for freestanding sign, 100 square feet for wall sign on building;
 - c. Maximum number of signs - One (1) freestanding sign along Lantana frontage located 220' east of the west property line, One (1) wall mounted sign mounted along the north facade of the building; and,
 - d. Style - Monument only. (CO: BLDG)

E. ENGINEERING

1. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS
 - a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng.)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
 - C Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng.)
2. The Property owner shall do the following concurrent with site development:
- a. remove the existing retaining wall along the north property line adjacent to Lantana Road and then regrade the existing site to provide for minimum site distance for vehicles exiting Pine Drive at Lantana Road, and
 - b. reconstruct Pine Drive from the projects south property line north to Lantana Road. This construction shall be a minimum of 2-10' travel lanes, local street standards, excluding sidewalks.

All construction shall be approved by the County Engineer

- c. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations.
- d. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
- e. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

F. USE LIMITATIONS

- 1. Similar architectural character and treatment shall be provided on all sides of the proposed building. (BLDG PERMIT: BLDG - Zoning)
- 2. All roof top mechanical and electrical equipment shall be screened from view so as not to be visible from any property line. The equipment shall be completely screened by a pitched roof (deck-on-hip or full pitched). A flat roof without the hip roof attached on all sides will not be permitted. (BLDG PERMIT: BLDG - Zoning)

G. 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 noncompliance, 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 majority vote of the Code Enforcement Board 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)