

RESOLUTION APPROVING ZONING PETITION Z/COZ98-41  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
PETITION OF PALM BEACH COUNTY  
BY KILDAY & ASSOCIATES, AGENT  
(PRATT/ORANGE PO)

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

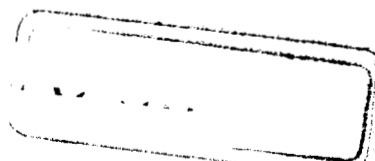
WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition Z/COZ98-41 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 1998; 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, 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/COZ98-41, the petition of Palm Beach County by Kilday & Associates, agent, for an Official Zoning Map Amendment with Conditional Overlay Zone (Z/COZ) Rezoning from Agricultural Residential (AR) to Public Ownership (PO) 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 October 22, 1998, subject to the conditions of the Conditional Overlay Zone (COZ) 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 Roberts and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 22, 1998.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

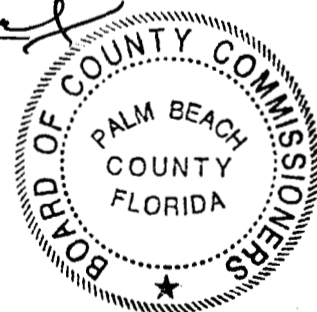
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



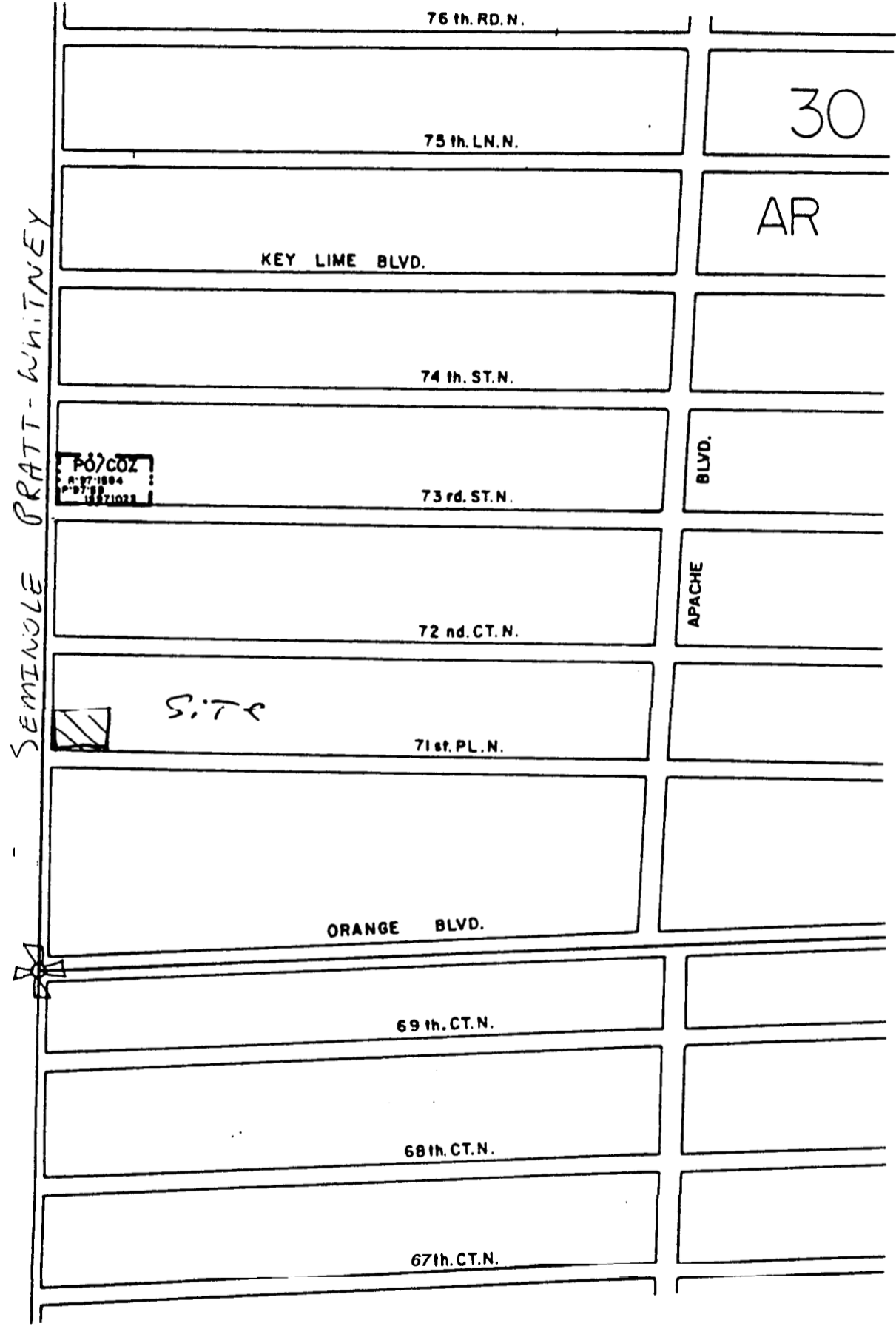
**EXHIBIT A**  
**LEGAL DESCRIPTION**

LEGAL DESCRIPTION  
TRACT AG-504

THE SOUTH 239 FEET OF THE NORTH 4930 FEET LESS THE EAST **4838** FEET OF SECTION 30, TOWNSHIP **42** SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SUBJECT TO AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE PURPOSES OVER THE SOUTH 30 FEET AND THE WEST 110 FEET.

CONTAINING 99610 SQUARE FEET OR **2.28** ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of the site is limited to Fire-rescue purposes only and the site design as approved by the Board of County Commissioners. The approved site plan is dated June 23, 1998. 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. BUILDING AND SITE DESIGN

1. The maximum height for all structures, measured from finished grade to highest point, shall not exceed Thirty (30) feet. The maximum height limitation shall not apply to on-site emergency communication equipment or antenna. (BLDG PERMIT: BLDG - Zoning)
2. 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 - Zoning)

#### C. DUMPSTER

1. The trash dumpster shall be setback a minimum of twenty five (25) feet from all property lines. (DRC / ONGOING: ZONING / CODE ENF)

#### D. LANDSCAPING - STANDARD

1. Fifty percent (50%) of all canopy trees required to be planted on site by this approval shall meet the following minimum standards at time of 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 be booted Sabal Palms and meet the following minimum standards at time of 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)

E. ENGINEERING

- I. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Seminole Pratt Whitney Road 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)

F. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north and east property lines shall include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. A continuous two foot high berm;
  - c. A six (6) foot high black, vinyl-coated chain link fence located on the plateau of the berm.
2. The following landscaping requirements shall be installed on alternating sides of the required fence:
  - a. One (1) canopy tree planted for every twenty (20) linear (net) feet of property line;
  - b. One (1) palm or pine tree planted for every thirty (30) linear (net) feet of property line with maximum sixty (60) feet between clusters;
  - c. Credit may be given for existing or relocated native plant material provided they meet current ULDC requirements. (CO: LANDSCAPE)

G. LANDSCAPING ALONG WEST AND SOUTH PROPERTY LINES (R/W FRONTAGES)

1. Landscaping and buffering along the west and south property lines shall include:
  - a. A minimum twenty (20) foot wide landscape buffer strip;
  - b. An undulating two (2) to three (3) foot high berm with an average height of two and a half (2 ½) feet;
  - c. One (1) canopy tree planted for every twenty (20) linear (net) feet of property line;
  - d. One (1) palm or pine tree planted for every thirty (30) linear (net) feet of property line with maximum sixty (60) feet between clusters;
  - e. Credit may be given for existing or relocated native plant material provided they meet current ULDC requirements. (CO: LANDSCAPE)

H. PLANNING

1. Prior to final site plan certification, the petitioner shall provide the Planning Division with proof of the presentation of this subject petition to the Acreage Landowners Association. (DRC-PLANNING)

I. PREM

1. Petitioner is to convey title to the site by statutory warranty deed by November 1, 1999. Petitioner is to plat and dedicate the Civic site to Indian Trail Water Control District prior to conveying the deed and shall have satisfied each of the following conditions prior to deed conveyance.

- a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval.
  - b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated as of the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
  - c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
  - d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
    - 1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.
    - 2) An easement across Developer's property from the proposed civic site to the retention basins, if required.
  - e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
  - f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
  - g. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM)
  - h. Palm Beach County shall have the right to connect to water and sewer service upon payment of normal, customary and reasonable connection charges and without payment of any capital charges for construction/installation of water and sewer improvements.
  - i. The site shall be leased to County by Indian Trail Water Control District for 99 years in accordance with a lease to be drafted by Palm Beach County. The lease agreement shall be tentatively approved by County and Indian Trail Water Control staff.
2. The property owner shall provide Indian Trail Water Control District with a certified survey of the proposed civic site by September 1, 1999. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
    - a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
    - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
    - c. The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM)

3. The property owners shall provide PREM with an Environmental Assessment of the proposed civic site by September 1, 1999. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b. Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
  - 2) Comprehensive Environmental Response
  - 3) Compensation and Liability Act System
  - 4) List (CERCLA)
  - 5) Hazardous Waste Data Management System
  - 6) List (HWDMS).
- c. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
  - d. The results of an on-site survey to describe site conditions and to identify potential area of contamination.
  - e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM)

## J. 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 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)



**Department of Planning,  
Zoning & Building**

100 Australian Avenue  
West Palm Beach, FL 33406  
(561) 235-5000

<http://www.co.palm-beach.fl.us>



**Palm Beach County  
Board of County  
Commissioners**

Burr Aaronson, Chairman

Maude Ford Lee, Vice Chair

Karen T. Marcus

Carol A. Roberts

Warren H. Newell

Mary McCarty

Ken L. Foster

**County Administrator**

Robert Weisman, PE

**INTER-OFFICE COMMUNICATION  
PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING**

**TO:** Willa Oswalt, Minutes Clerk  
**FROM:** L. Martin Hodgkins, Zoning Director *DMH*  
**DATE:** October 30, 1998 *F by r.c.*  
**RE:** Amended Conditions from the October 22, 1998 BCC Hearing

---

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on October 22, 1998.

The following petitions were amended:

EAC95-106(B)	The Grove Market
PDD98-44	Palm Beach Plaza MUPD
PDD98-23	Pratt & Orange MUPD
Z/COZ98-41	Pratt & Orange PO
PDD/DOA93-21(A)	Village Center aka Floral Acres
DOA81-109(F)	Atlantic Square
DOA89-63(B)	Sherbrooke Center

The following petition will be brought back for adoption at the December 3, 1998 BCC Hearing:

<b>CA78-231(A)</b>	<b>Wash Depot VII</b>
--------------------	-----------------------