

RESOLUTION NO. R-99- 531

RESOLUTION APPROVING ZONING PETITION Z/COZ98-29
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF FIRST BAPTIST OF LOXAHATCHEE
BY ROBERT BASEHART, AGENT
(WALGREENS)

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/COZ98-29 was presented to the Board of County Commissioners at a public hearing conducted on March 29, 1999; 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/COZ98-29, the petition of First Baptist of Loxahatchee by Robert Basehart, agent, for an Official Zoning Map Amendment (Z) to rezone from Agricultural Residential (AR) to Community Commercial (CC) 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 March 29, 1999, 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 Roberts and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on March 29, 1999.

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

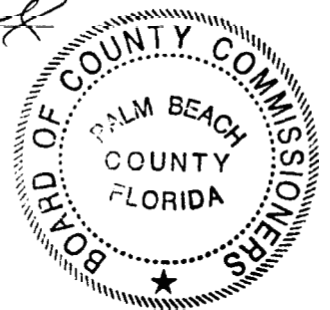


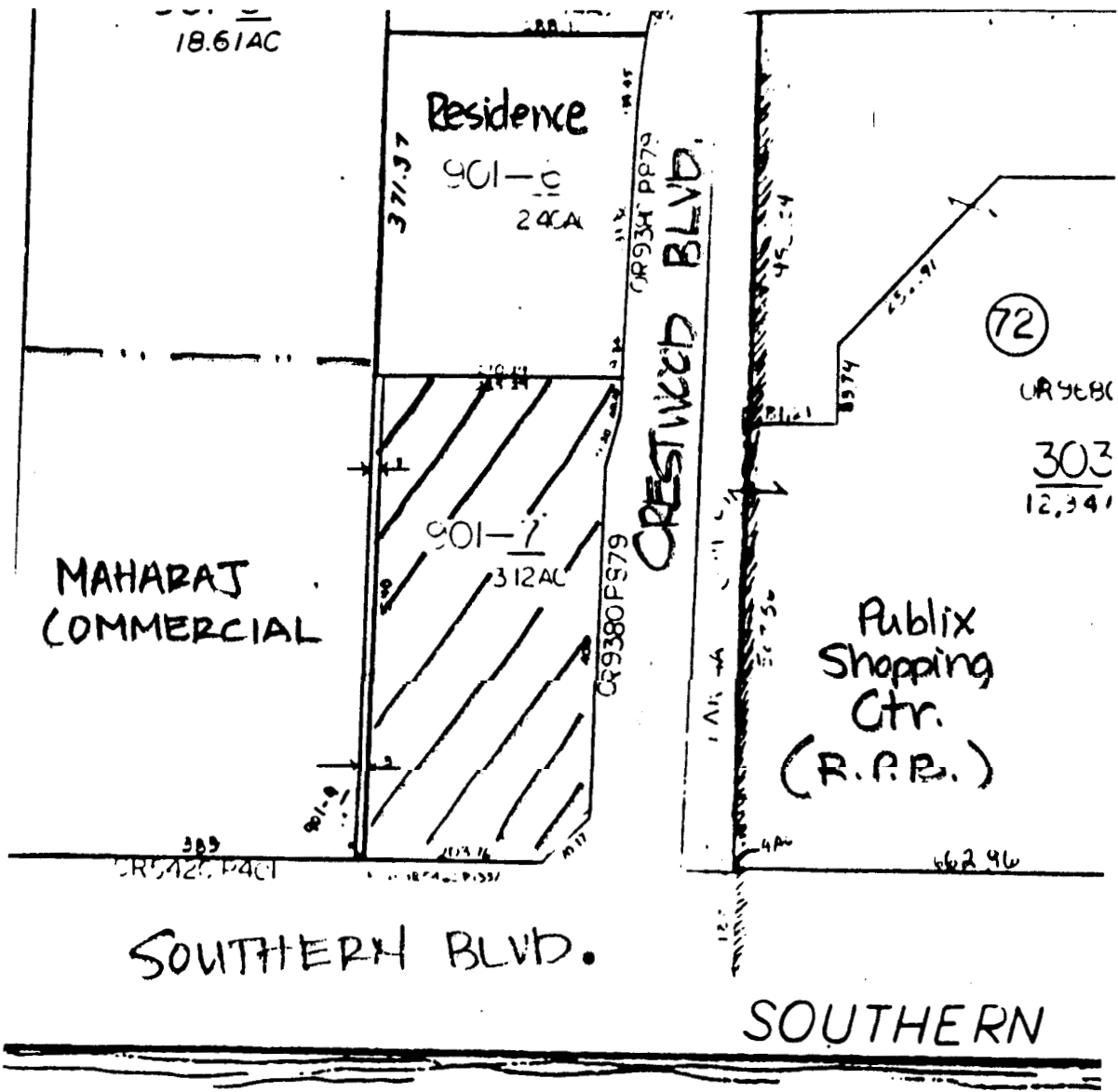
EXHIBIT A
LEGAL DESCRIPTION

A PORTION OF TRACT 1 IN BLOCK "K" OF "LOXAHATCHEE GROVES" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12 AT PAGE 29 ~~OF~~ THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS :

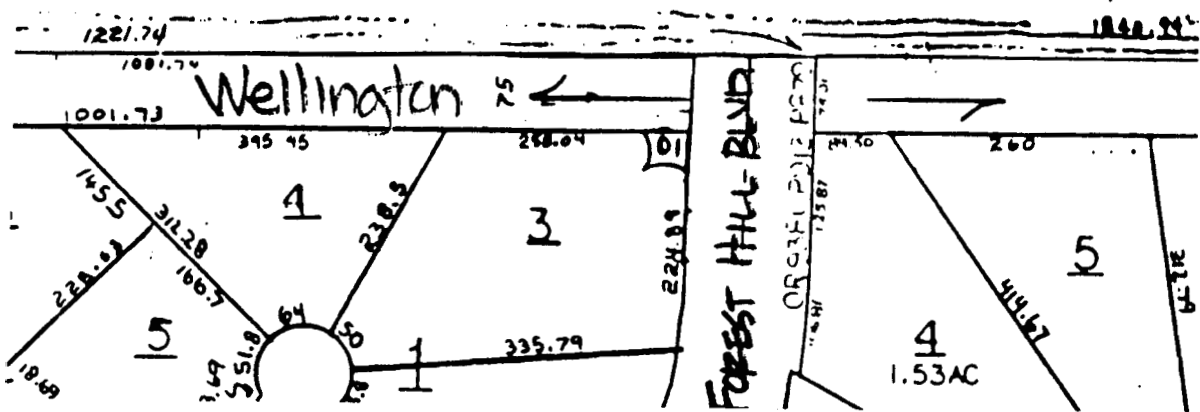
COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT 1; THENCE RUN SOUTH 02 DEGREES 11 MINUTES 13 SECONDS WEST ALONG THE EAST LINE OF SAID TRACT 1 FOR A DISTANCE OF 1578.35 FEET TO A POINT; THENCE RUN NORTH 88 DEGREES 08 MINUTES 26 SECONDS WEST FOR A DISTANCE OF 89.14 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 02 DEGREES 43 MINUTES 57 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY LINE OF FOLSOM ROAD FOR A DISTANCE OF 40.97 FEET TO A POINT; THENCE RUN SOUTH 15 DEGREES 08 MINUTES 24 SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE FOR A DISTANCE OF 51.20 FEET TO A POINT; THENCE RUN SOUTH 02 DEGREES 43 MINUTES 57 SECONDS WEST ALONG SAID WEST RIGHT-OF-WAYLINE FOR A DISTANCE OF 400.00 FEET TO A POINT; THENCE RUN SOUTH 47 DEGREES 17 MINUTES 45 SECONDS WEST FOR A DISTANCE OF 70.17 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD; THENCE RUN NORTH 88 DEGREES 08 MINUTES 26 SECONDS WEST ALONG SAID NORTH RIGHT-OF-WAY LINE FOR A DISTANCE OF 199.56 FEET TO A POINT; THENCE RUN NORTH 02 DEGREES 11 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 540.00 FEET TO A POINT; THENCE RUN SOUTH 88 DEGREES 08 MINUTES 26 SECONDS EAST FOR A DISTANCE OF 264.95 FEET TO THE POINT OF BEGINNING.

(CONTAINING: 135,252 SQUARE FEET)

EXHIBIT B
VICINITY SKETCH



C-51 CANAL



98-29

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 9, 1999. 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 CONTROL

1. All buildings, accessory structures and signage shall be designed and constructed to be consistent with the facade elevations for the pharmacy by Brown Demandt Architects dated March 29, 1999 (elevations with gray or mill finished standing seamed metal roof). Consistency shall include but is not limited to the building's color, materials, fenestration, architectural trims; and details, and doors, windows and roof treatment. The following requirements shall also be included in the design of the buildings, accessory structures and/or signs:
 - a. All exterior colors, excluding sign copy, are limited to earth tones, neutrals (whites and grays) and muted greens (sage or olive);
 - b. All roof top mechanical and electrical equipment and satellite dishes shall be screened from view on all four **(4)** sides by the parapet or pitched roof so as not to be visible from any property line;
 - c. All blank wall areas referenced on the elevations as "textured stucco," between the split faced block and the horizontal banding shall have additional vertical architectural treatment (i.e. reveal, score lines, banding or other details acceptable to the Zoning Division) and horizontal stucco score lines at a maximum spacing of twelve (12) inches on center between score lines, to reduce building mass and provide visual interest at pedestrian scale; and,
 - d. Similar architectural treatment shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning/Planning)
2. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the buildings' architecture. (BLDG PERMIT: MONITORING - Bldg)
3. Prior to final site plan approval by the Development Review Committee, building elevations for all the buildings, with color indications, shall be approved and incorporated into the certified site plan and petition file. (DRC: ZONING/PLANNING)

C. BUILDING AND SITE DESIGN

1. The maximum building height, including all air conditioning and mechanical equipment and satellite dishes, measured from finished grade to the highest point, for the proposed buildings shall not exceed twenty-eight (28) feet. The decorative entry feature of the pharmacy building may exceed the twenty-eight (28) feet height limitation up to a maximum height of thirty-five (35) feet, measured from finished grade to the highest point (BLDG PERMIT: BLDG - Zoning)

2. Proposed buildings on the property are limited to a total gross floor area of 22,436 square feet and broken down into the following uses:
 - a. A 15,120 square foot pharmacy; and,
 - b. A 7,316 square foot general retail building; and,

Expansion of the uses shall be limited to an increase of 1,000 square feet beyond the total gross floor area and is subject to approval from the Traffic Division. (BLDG PERMIT: BLDG - Zoning)

3. The dumpster/recycling area on the northwest corner of the site shall be relocated west of the general retail building and shall not be within 100 feet of the north property line. (DRC: ZONING)
4. A maximum of one (1), maximum size of two (2) meters in diameter, satellite dish antenna shall be allowed if completely screened from view of all right-of-ways and adjacent residential zoning districts by an opaque wall or fence with similar architectural treatment as the principle structure or equivalent landscaping materials. The satellite dish shall not be roof mounted unless completely screened by the roof or roof elements (i.e. dormers, bell or decorative tower, etc...). (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)
5. The petitioner may apply for a Alternative Landscape Plan (ALP) to reconfigure the parking areas or obtain a naturalistic buffer by incorporating existing native vegetation, to the greatest extent possible. The reconfiguration shall be coordinated with the Environmental Resource Management Department and the Zoning Division and shall be based on the tree survey of Condition F.1. (DRC: ZONING/ERM)
6. To ensure maximum on-site tree preservation, excess parking beyond the minimum amount required for the uses shall be deleted. (DRC: ZONING)
7. Prior to final site plan approval by the Development Review Committee, the site plan shall be revised to indicate a cross access to the parcel immediately to the west. The design of the access shall be approved by the Engineering Department and Zoning and Planning Divisions. All documents required for this access shall be approved by the County Attorney, Engineering Department, and Zoning and Planning Divisions. (DRC: ENG/PLANNING/ZONING - Co Att)

D. LANDSCAPING - STANDARD

1. All canopy trees required to be planted within the right-of-way and northern buffers shall meet the following minimum standards at installation, unless otherwise stated herein:
 - 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 within the right-of-way and northern buffers 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 (3) or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location, unless otherwise stated herein. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Southern Boulevard 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)
2. LANDSCAPE WITHIN MEDIAN OF STATE ROADS
- 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 the adjacent median of Southern Boulevard Road Right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, 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 Homeowner'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 prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)

C. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)

3. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for Southern Boulevard 240 feet north of the existing south right of way line of Southern Boulevard, approximately an additional 51 feet. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owners 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. (BLDG PERMIT: MONITORING - Eng)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A tree survey of existing native specimen sized trees shall be completed and submitted to ERM prior to DRC site plan submittal. (DRC: ERM)

2. Site clearing shall be done in accordance with the following phases:

- a. Phase 1: Site clearing shall be limited to the areas necessary to support the pharmacy and associated parking and vehicular use areas; and,
- b. Phase 2: Site clearing for the remaining areas of the property shall only be permitted as part of the construction of the retail building and its associated parking and vehicular use areas. (DRC/BLDG PERMIT: ZONING/ERM - Zoning)

G. LANDSCAPE - INTERIOR

1. Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscaped areas shall be no less than 50% of the total length of each facade of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

2. Landscaped divider medians 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 twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One (1) tree or palm and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: ZONING)

H. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ADJACENT TO RESIDENTIAL)

1. Landscaping and buffering along the north property line shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip with landscaping materials planted in a naturalistic manner. A width reduction shall not be permitted;
- b. A six (6) foot high opaque fence, measured from finished grade;
- c. One (1) native canopy tree planted for each twenty (20) linear feet of property line with a maximum spacing of twenty (20) feet between clusters. A cluster of three (3) or more native palms or pine trees may substitute for a required canopy tree at that location. A maximum of twenty-five (25) percent of the required canopy trees within the buffer may be replaced by the palm or pine tree clusters. A minimum of fifty (50) percent of the canopy trees shall be fourteen (14) feet high large canopy trees;
- d. Thirty (30) inch high native shrub or hedge material for every two (2) linear feet of property line, clustered and spaced no more than thirty-six (36) inches between clusters, to be maintained at a minimum height of seventy-two (72) inches;
- e. Understory native vegetation shall be used to supplement the required trees and shrub or hedge material; and,
- f. A minimum of fifty (50) percent of each of the required landscaping materials shall be located on the exterior side of the required fence. (CO: LANDSCAPE)

I. LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ADJACENT TO SOUTHERN AND CRESTWOOD BOULEVARDS)

- 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. A minimum two (2) to three (3) foot high undulating berm, with an average height of two and one-half (2.5) feet, measured from the top of the curb;
 - c. One (1) canopy tree planted every thirty (30) on center. A cluster of three (3) or more palms or pine trees may substitute for a required canopy tree at that location. A maximum of twenty-five (25) percent of the required canopy trees within the buffer may be replaced by the palm or pine tree clusters;
 - d. One (1) palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. Twenty four (24) inch high shrub or hedge material. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

J. LANDSCAPING ALONG THE WEST PROPERTY LINE

- 1. Landscaping and buffering along the west property line shall be upgraded to supplement the preserved native vegetation and shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip, a reduction shall not be permitted;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum of sixty (60) feet between clusters; 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 thirty-six (36) inches. (CO: LANDSCAPE)

K. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum wattage necessary to satisfy the Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to the highest point, and shall be setback a minimum of 100 feet from the north property line. Outdoor lighting fixtures along the north property line may be excluded from the setback provided that the fixtures do not exceed a maximum height of twelve (12) feet, measured from finished grade to the highest point. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 11:30 p.m. Sunday through Wednesday; and 12:30 a.m. of the following day Thursday through Saturday, excluding security lighting and lighting at the drive-thru canopy area 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)
5. Decorative traditional wall mounted and freestanding lighting fixtures and light poles shall be provided on all building facades and throughout the site. The lighting details shall be incorporated as part of the elevations prior to final site plan approval by the Development Review Committee. (DRC: ZONING - Bldg)

L. SIGNS

1. All freestanding signs for the property, including entrance wall and directional signs, are limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - Ten (10) feet along Southern Blvd. frontage, six (6) feet entrance wall sign at the southeast corner of the site (located outside of the safe sight corner and future right-of-way lines), and eight (8) feet along Crestwood Blvd. frontage;
 - b. Maximum sign face area per side - 80 square feet for Southern Blvd. sign and 60 square feet for Crestwood Blvd. sign and the sign at the southeast corner;
 - c. Maximum number of signs - One (1) along Southern Blvd. frontage, and (1) at southeast corner of the site, and one (1) along Crestwood Blvd. frontage;
 - d. Style - monument style only. ; and,
 - e. Entrance wall sign at southeast corner of the site shall be a community entrance sign for the Loxahatchee Groves Neighborhood and shall be funded and constructed by the property owner prior to the issuance of the first Certificate of Occupancy for the site. (CO: ZONING/BLDG)
2. Wall signs mounted on the building facades shall be limited to a maximum sign face area of 75 square feet total for each building facade with direct frontage on Crestwood Boulevard and 100 square feet total for each building facade with direct frontage on Southern Boulevard. (CO: BLDG)
3. No off-premise signs or relocated billboards shall be permitted on the site. (CODE ENF)

M. USE LIMITATION

1. Hours of business operation (open to the public) shall be limited to 6:00 a.m. to 11:00 p.m. Sunday through Wednesday; and 6:00 a.m. to 12:00 a.m. Thursday through Saturday. The pharmacy building only may be open twenty-four (24) hours daily. (ONGOING: ZONING/CODE ENF)
2. No outdoor retail business activities shall be permitted on site. (ONGOING: CODE ENF - Zoning)

N. 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)