

RESOLUTION NO. R-2008- 0703

RESOLUTION APPROVING ZONING APPLICATION PDD-2007-1592
(CONTROL NO. 2006-185)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF PAUL THOMAS
BY KILDAY & ASSOCIATES, INC., AGENT
(JUPITER RV RESORT RVPD)

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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application PDD-2007-1592 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 2008; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and 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 stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations.
3. This official zoning map amendment (rezoning) is compatible and 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, orderly and timely development pattern.
6. This official zoning map amendment is consistent with applicable Neighborhood Plans.
7. This official zoning map amendment (rezoning) complies with Article 2.F (Concurrency) of the Palm Beach County Unified Land Development Code.

8. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application PDD-2007-1592, the application of Paul Thomas, by Kilday & Associates, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Agricultural Residential (AR) Zoning District to the Recreational Vehicle Planned Development (RVPD) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 24, 2008, subject to the conditions of approval 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:

Addie L. Greene, Chairperson	¥ Absent
Jeff Koons, Vice Chair	¥ Aye
Karen T. Marcus	¥ Naye
Robert J. Kanjian	¥ Aye
Mary McCarty	¥ Aye
Burt Aaronson	¥ Aye
Jess R. Santamaria	¥ Naye

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 24, 2008.

Filed with the Clerk of the Board of County Commissioners on 16th day of May, 2008.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

ALL OF BLOCK 24, ACCORDING TO THE PLAT OF PHILO FARMS, AS RECORDED IN PLAT BOOK 3, PAGE 11 OF THE PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS. LESS RIGHTS-OF-WAY FOR STATE ROAD #706, (INDIANTOWN ROAD).

CONTAINING 17.23 ACRES, MORE OR LESS.

SUBJECT TO ALL RESERVATIONS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

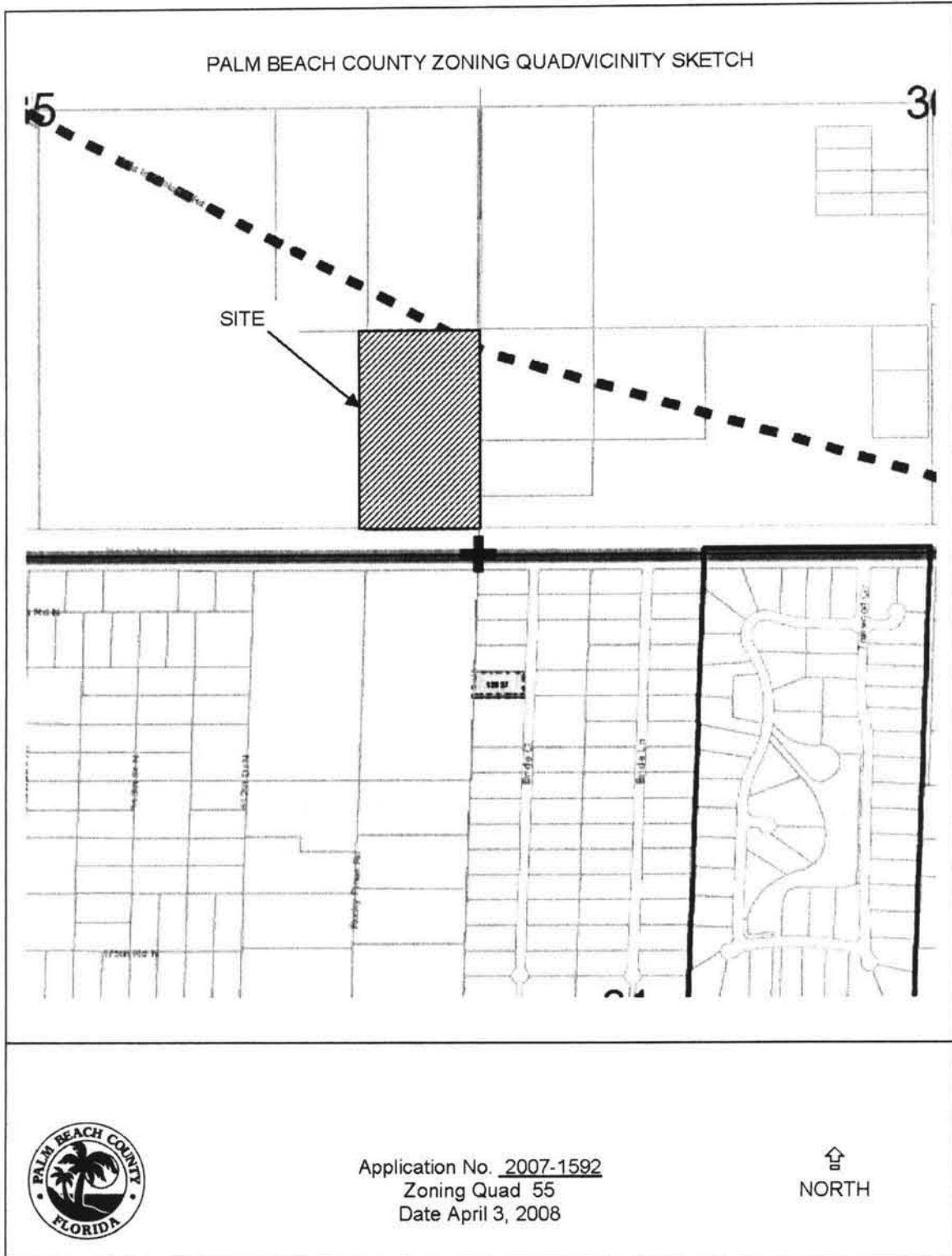


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved preliminary site plan is dated December 17, 2007. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the property owner shall revise the site plan to be consistent with the final Alternative Landscape Plan (ALP) pursuant to Landscape Condition 1 and all approved variances dated April 3, 2008. (DRO: LANDSCAPE Zoning)
3. The twenty-five (25) foot setback for the recreational vehicles shall be permitted to be measured from the interior edge of the ULDC required landscape buffers. (DRO: ZONING Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for the recreation building shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:
 - a. No Building Permits for the site may be issued after January 1, 2013. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
2. The Property owner shall lengthen the existing left turn lane east approach on Indiantown Road at Rocky Pines Road. This turn lane shall be lengthened to a minimum of 460 feet in length.
 - a. 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 and acquisition of any additional required right-of-way.
 - b. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

3. The Property owner shall fund the pro rata cost of an exfiltration drainage system required for the 6 lane widening of Indiantown Road. Funding shall be based on the construction of a required exfiltration drainage system required to meet the storm water discharge and treatment requirements of Palm Beach County for Indiantown Road along the property frontage. Payment cost shall be based upon a Certified Cost Estimate provided by the Property owner's Engineer and approved by the County Engineer. All funding shall be completed prior to the issuance of the last Certificate of Occupancy. (CO: MONITORING-Eng)

4. Landscape Within the Median of Indiantown Road
 - a. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Indiantown Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph D below. (ONGOING: ENG- Eng)
 - b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
 - c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
 - d. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: ENG- Eng)
 - e. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Indiantown Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENG- Eng)

5. Prior to issuance of a Building Permit, the Property Owner shall plat the subject property into one legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. A recorded plat waiver is also acceptable, provided this property is eligible for a plat waiver in accordance with the provisions of the ULDC as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)

6. The Property owner shall widen the pavement of Indiantown Road to provide for U turn movements for recreation vehicle/travel trailers at the following median openings subject to approval by the County Engineer: - Bridle Court, west approach U turn - Rocky Pines Road, east approach U turn 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 and guardrail relocation.
A) Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
B) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

ENVIRONMENTAL

1. Prior to final plat approval, the property owner shall provide a copy of the SFWMD Environmental Resource Permit to the Department of Environmental Resources Management. This permit shall demonstrate that stormwater discharges onto the Natural Area shall be at a rate not to exceed 1.1 cfs in a 25 year, 3-day design storm and that the discharge meets standards for Outstanding Florida Waterbody receiving waters. (PLAT: MONITORING/ENG-ERM)
2. A notice shall be provided to by the property owner all users of the site explaining that due to the differences in the wet season water table between the site and the Natural Area, there will be times during the year when the site may not drain. A draft of this notice shall be submitted and approved by ERM prior to final approval by the Development Review Officer (DRO). (DRO: ERM - ERM)
3. A fire-break strip with a minimum width of forty-five (45) feet shall be provided along the north, east, and west property lines. This fire-break strip shall be free and clear of landscape materials and permanent structures. The area in the vicinity of the existing house shall meet this condition to the maximum extent possible, taking into account the existing setback from the north property line. A drivable berm with a maximum slope of 3:1 shall be installed within the strip to protect the site from high water levels with the exception of the area in the vicinity of the existing house, west to where the berm will connect to the existing Old Indiantown Road roadbed, where the berm (wall, if utilized in lieu of berm) will not be of sufficient width to maintain a drivable surface. (DRO: ERM-ERM)
4. The portion of the facility that includes the Old Indiantown roadbed shall be fenced off from the rest of the RV Park and a gate that would provide access to pedestrians and bicycles, shall be installed. This roadbed area shall be conveyed to Palm Beach County prior to Plat approval. (DRO: ERM-ERM)
5. The RV Park shall be presented to the Loxahatchee River Coordinating Council prior to final approval by the Development Review Officer (DRO). (DRO: ERM-ERM)
6. In the event of a wildfire, an Evacuation Plan designed to clear the facility with a 90 minute period shall be submitted and approved prior to final approval by the Development review Officer (DRO). (DRO: ERM-ERM)
7. A copy of the SFWMD Consumptive Use permit, or an indication that such a permit is not necessary, shall be provided prior to final approval by the development review Officer (DRO). In no case shall waste water be used as irrigation water or otherwise applied to the ground surface. (DRO: ERM-ERM)

LANDSCAPING-VARIANCE

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall submit a final Alternative Landscape Plan to the Landscape Section for review and approval. All ULDC required plant materials from the north, east and west perimeter buffers shall be relocated to the interior of the site. The ALP(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein and shall be consistent with the Type II Variance approvals dated April 3, 2008. (DRO: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF INDIANTOWN ROAD)

2. In addition to the code requirements, landscaping along the south property line shall be upgraded to include:
 - a. a buffer strip with an average width of twenty-five (25) feet. The buffer width shall range from twenty (20) to forty-five (45) feet and shall be exempt from the firebreak areas. There shall be a minimum of three locations where the buffer width expands to forty-five (45) feet;
 - b. one (1) pine for each twenty (20) linear feet of the property line; and shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation and have a maximum spacing of forty (40) feet between clusters;
 - c. a six (6)-foot high continuous hedge consisting of Wax Myrtles or a similar species approved by the Landscape Section. The hedge material shall be allowed to count toward the ULDC required quantity for large shrubs;
 - d. Saw Palmetto shall replace the ULDC requirement for medium shrubs;
 - e. all ULDC small shrub materials shall be of native species;
 - f. in areas where buffer width expands to forty-five (45) feet, a minimum of three (3) Dahoon Hollies with a minimum height of twelve (12) feet shall be provided at each of the expanded buffer areas; and,
 - g. a three (3) foot high (two railed) split rail fence to be installed meandering between proposed vegetation within this buffer. (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE NORTH PROPERTY LINE

3. Prior to final Development Review Officer (DRO) approval, the site plan shall be amended to reflect a reduction of 15 Recreational Vehicle (RV) sites. The Alternative Landscape Plan (ALP) shall reflect additional material along the north property line to mitigate views of the RVs from the adjacent property. (DRO: ZONING - Landscape)

SIGNS

1. Freestanding signs fronting on Indiantown Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point six (6) feet;
 - b. maximum sign face area per side - sixty (60) square feet;
 - c. maximum number of signs one (1); and,
 - d. style - monument style only. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS

1. Prior to final approval by the Development Review Officer (DRO) , the property owner shall revise the site plan to indicate and define the boundary of a vehicle wash area. Washing of vehicles shall be restricted to this area on site. (DRO/ONGOING: ZONING/CODE ENF Zoning)

2. Business operations for the RVPD shall not commence until the issuance of the Certificate of Occupancy (CO) for the Recreation Building. (CO: BUILDING Zoning)
3. On January 1st of each year an Annual Time Limitation Report shall be submitted to Executive Director of Planning, Zoning and Building (PZB), pursuant to Article 3.E.7.D, Time Limitations. (DATE: MONITORING - Zoning)
4. The park shall be limited to 140 Recreational Vehicle (RV) sites. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 the Code Enforcement Special Master 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

This resolution is effective when filed with the Clerk of the Board of County Commissioners.