

RESOLUTION NO. R-92-181

RESOLUTION APPROVING ZONING PETITION NO. 77-21(A)E
SPECIAL EXCEPTION PETITION OF POLO REALTY, INC.

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 77-21(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on October 24, 1991; and

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

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 77-21(A), the petition of POLO REALTY, INC., BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A RECREATIONAL FACILITY TO INCREASE BUILDING SQUARE FOOTAGE on a parcel of land lying north 1,226.00 feet of the south 1,286.00 feet of the east 1,055.00 feet of the west 1,115.00 feet of the Southeast 1/4 of Section 34, Township 46 South, Range 42 East, and being located ON THE NE CORNER OF THE INTERSECTION OF CLINT MOORE RD. AND JOG RD., IN THE AR ZONING DISTRICT, was approved on October 24, 1991, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property

development regulations and land development requirements of Palm Beach County.

3. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 24). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.
4. The petitioner shall submit an application to the Site Plan Review Committee for the certification of the site plan approved by the Board of County Commissioners for this site prior to February 7, 1992. The amended site plan shall indicate both the actual as-built and proposed buildings.

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 183,728 square feet.
2. All proposed air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material.
3. The site plan shall be amended to indicate the locations of the proposed seventeen (17) trailers for the camp.

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate.

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to site plan certification.

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

2. 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.
3. The property owner shall convey to the Lake Worth Drainage District the north 95 feet of the southeast one quarter of Section 34, Township 46 South, Range 42 East less the east 970 feet and also less the west 60 feet thereof for the required right-of-way for Lateral Canal No. 39, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to January 15, 1992.

F. HEALTH

1. Potable water supply shall be provided by the existing non-community water supply system.
2. Sewage treatment and disposal shall be provided by the existing sewage treatment plant. Therefore, no septic tank system shall be permitted on site.
3. All repair, maintenance and upgrading to the existing non-community water supply system shall be in compliance with the Palm Beach County Public Health Unit requirements, prior to Board of County Commissioners' approval.

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

H. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall work with Zoning staff to develop an in-fill landscape plan based on the minimum requirements of the Landscape Code. The petitioner shall revise the tabular data on the site plan to reflect conformance with this plan. Where appropriate credit shall be given for playing field areas and existing vegetation.
2. All required by the approval of this petition trees shall:
 - a. Be a minimum of fourteen (14) feet in height at installation
 - b. Have a minimum diameter of three and one-half (3.5) inches measured at a point which is at least four and one-half (4.5) feet above existing grade level.
 - c. Have a minimum of five (5) feet of clear trunk and a minimum seven (7) foot canopy spread.

I. LANDSCAPING ALONG LEASE PARCEL'S WEST PROPERTY LINE AND EXTENDING FIFTY FEET EAST

1. Landscaping and buffering shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip.
 - b. A six (6) foot high opaque hedge, in accordance with Compatibility Buffer Alternative 3 (Section 500.35, Landscape Code). The hedge shall consist of wax myrtle, a minimum of four (4) feet in height, subject to availability, and shall be installed within 60 days of this approval.
2. The following landscaping requirements shall be installed on the interior side of the existing four (4) foot fence:
 - a. One fourteen (14) foot tall native canopy tree planted every twenty (20) feet on center.
3. Landscaping and buffering shall be installed prior to the issuance of a Certificate of Occupancy for any of the trailers.
4. Existing Australian pine trees
 - a. May continue to be used as a hedge in accordance with Section 500.35.H.13.a. of the Zoning Code.
 - b. Shall not exceed twelve (12) feet in height.
 - c. May supersede the landscaping and buffering requirements of Conditions I.1. and 1.2. in those locations.
 - d. Shall be supplemented to create a solid opaque barrier in accordance with Section 500.35.H.13. of the Zoning Code.
5. Prior to site plan certification, staff shall determine the exact location of the fifty (50) foot extension east from the west property line.

J. LIGHTING

1. All proposed outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets.

K. PARKING

1. Prior to site plan certification, the applicant shall delete the "staff parking" designation on the site plan.
2. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives.

L. RECYCLE SOLID WASTE

1. The property owner and lessees shall participate in a recycling program when available in the area. Material

to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.

2. Prior to site plan certification, receptacles for recycled material shall be designated on the site plan, located in the parking area or adjacent to the dumpster location.

M. SIGNS

1. Any new or replaced signs fronting on Jog Road shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign face area - 100 sq. ft. total.
 - c. Maximum number of signs - two (2).
2. Prior to issuance of permits for any new or replaced signs, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval.
3. There shall be no additional signs permitted on Old Clint Moore Road. The applicant shall be limited to the two signs that are existing on this road.
4. No signs shall encroach into the perimeter landscape buffers or vegetation preservation areas.
5. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site.
6. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval.

N. USE LIMITATIONS FOR SUMMER DAY CAMP

1. The summer camp shall be limited to a maximum of 525 students.
2. No new outdoor loudspeaker system audible off site shall be permitted.
3. No outdoor camp activities, excluding drop-off/pick-up, shall be allowed on the site prior to 9:00 a.m. nor continue later than 4:00 p.m. All camp activities are limited to Monday through Friday.
4. Operation of the camp shall be limited to the months of June, July and August of each year.
5. The seventeen (17) trailers (12,380 square feet) shall be removed from the site during the months that the summer day camp is not in operation.

O. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit, the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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.
2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Roberts moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

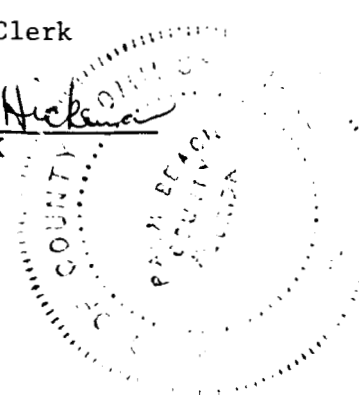
The Chair thereupon declared the resolution was duly passed and adopted this 4th day of February, 1992.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS
Milton T. Bauer, Clerk

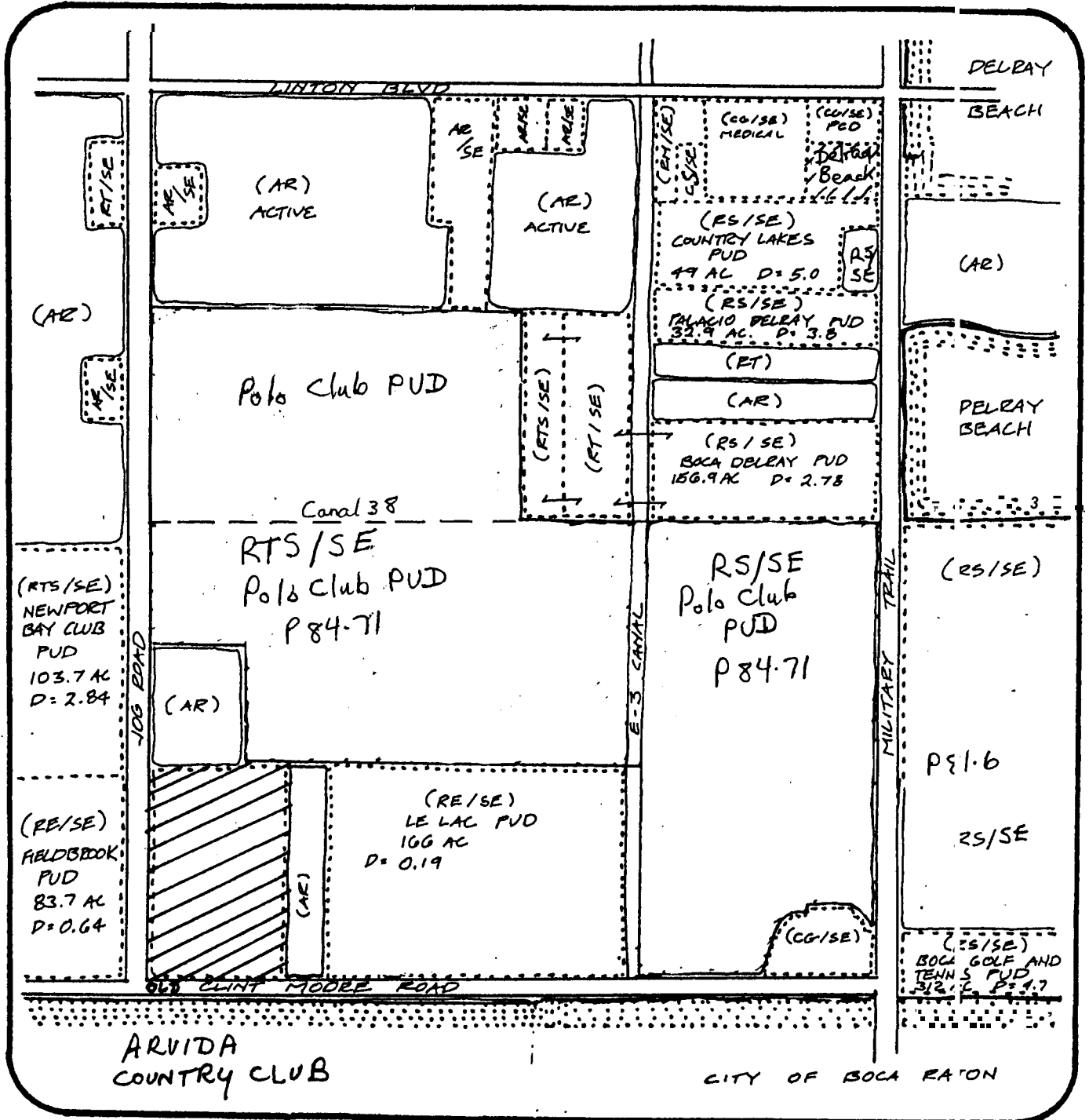
BY: *Richard C. Otter*
COUNTY ATTORNEY

BY: *Linda C. Hickman*
DEPUTY CLERK



Sec. 34 Twp. 46 Rng. 42
 Quadrant Sheet: 37
 Aerial Page: 353 + 360

Vicinity Sketch



Request:

A SPECIAL EXCEPTION to amend the site plan for a recreational facility to increase the building square footage.

PETITION NO: 77-21(A)

BCC DISTRICT: 5