

RESOLUTION NO. R- 2000-0577

RESOLUTION APPROVING ZONING PETITION Z99-085
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF PBC BCC FD&O
BY AUDREY WOLF, AGENT
(DISTRICT PARK "E")

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 Z99-085 was presented to the Board of County Commissioners at a public hearing conducted on March 23, 2000 and April 27, 2000; 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 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 Z99-085, the petition of PBC BCC FD&O, by Audrey Wolf, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Residential Estate (RE) and Agricultural Residential (AR) Zoning District to the Public Ownership (PO) 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 March 23, 2000 and April 27, 2000 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 27, 2000.

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

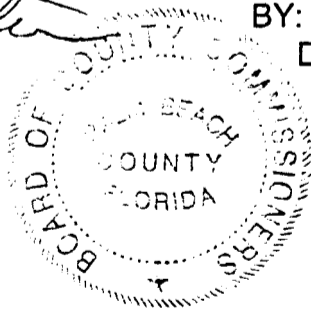


EXHIBIT A

LEGAL DESCRIPTION

TRACT 54, SECTION 23, TOWNSHIP 47 SOUTH, RANGE 41 EAST, FLORIDA FRUIT LANDS COMPANY.

SUBDIVISION No. 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF THE 15.00' PLATTED RIGHT-OF-WAY ALONG THE EAST LINE OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. BOUNDED ON THE NORTH BY THE EASTERLY PROLONGATION OF THE NORTH LINE OF SAID TRACT 54 AND BOUNDED ON THE SOUTH BY THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID TRACT 54, SECTION 23, TOWNSHIP 47 SOUTH, RANGE 41 EAST, FLORIDA FRUIT LANDS COMPANY SUBDIVISION No. 2, AS RECORDED IN PLAT BOOK 1, PAGE 102, SHEETS 2 AND 4, AS ABANDONED PURSUANT TO RESOLUTION No. R-82-1190, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

A PARCEL OF LAND SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 41 EAST; THENCE SOUTH 89°44'02" WEST ALONG THE SOUTH LINE OF SECTION 23, A DISTANCE OF 974.84 FEET; THENCE NORTH 01°14'56" WEST, 100.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PALMETTO PARK ROAD AND THE POINT BEGINNING; THENCE CONTINUE NORTH 01°14'56" WEST, 567.63 FEET TO A POINT ON THE SOUTH LINE OF TRACT 54, SAID SECTION 23, FLORIDA FRUIT LANDS COMPANY SUBDIVISION No. 2, AS RECORDED IN PLAT BOOK 1, PAGE 102, SHEET 4 OF 4, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°44'24" WEST ALONG SAID SOUTH LINE OF TRACT 54, A DISTANCE OF 346.58 FEET; THENCE SOUTH 01°14'22" EAST ALONG THE WEST LINE OF TRACT 55 AND 56, A DISTANCE OF 567.66 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PALMETTO PARK ROAD; THENCE NORTH 89°44'02" EAST ALONG SAID NORTH LINE, 346.67 FEET TO THE POINT OF BEGINNING.

AND

TRACT P, BOCA WOODS COUNTRY CLUB PLAT 4, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 48, PAGE 16, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT C

VOLUNTARY COMMITMENTS

A. ALL PETITIONS

1. Development of the site is limited to the park use as approved by the Board of County Commissioners. The approved conceptual site plan is dated March 10, 2000. 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 minimum setback for all roofed structures shall be fifty (50) feet. (Bldg Permit: ZONING)
2. The location of any lighted soccer field will be setback a minimum of fifty (50) feet from the west property line, and a minimum of thirty (30) feet from the north property line. (BLDG PERMIT: ZONING/BLDG)
3. The Palm Beach County Parks and Recreation Department will locate the entrance of the park so as not to affect the Palmetto Park Road landscape improvement project between Loggers' Run, Inc. and the County. Specifically the entrance location and design will not require any reduction in the median landscaping, which the Logger's Run Homeowners Association plan to install on Palmetto Park Road, including the area beginning at the C1 canal. The entrance plan will be designed and located where it will not result in any requirement to remove median landscaping, west of the C.1 canal, to comply with FDOT Roadway and Traffic Design Standards. (BLDG PERMIT: ENG)

C. LIGHTING

1. All outdoor lighting used to illuminate the athletic fields shall be extinguished no later than 11:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
2. The lights installed in the parking lot adjacent to Palmetto Park Road shall be limited to an overall height of twenty (20) feet measured from finished grade to highest point. Buffering of these lights will be provided through the County's landscaping of the Palmetto Park median in front of the park property consistent with FDOT's Roadway and Traffic Design Standards. Though the Parks and Recreation Department will not be responsible for these items, the Department will make its best effort to work with other County Departments to obtain funding and approval for the installation of landscaping on the south side of Palmetto Park Road to provide additional buffer for the homes in Tamarron. (BLDG PERMIT: Zoning - Parks)

D. LANDSCAPING

1. The Palm Beach County Parks and Recreation Department will maintain as much of a buffer as possible along the west and north portions of the park property. The County will, based on the tree survey, install additional landscaping to buffer the athletic fields from Logger's Run, and more specifically, Cimarron at the northwest corner of the project. (CO: BLDG - Zoning/Landscape)

E. ENGINEERING

1. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

a. Prior to issuance of any building permits, the Palm Beach County Parks and Recreation Department shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Palmetto Park Road Right-of-Ways. As part of this permit process, the Parks and Recreation Department property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted, 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 Palm Beach County Parks and Recreation Department shall also be responsible for supplementing 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 by the Palm Beach County Parks and Recreation Department. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the Palm Beach County Parks and Recreation Department. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)

2. Palm Beach County Parks Department shall work with the County Engineer during the final site plan preparation to determine if any portion of the 27 acre site may be utilized to help alleviate flooding from Palmetto Park Road. If there is no area available after the final site plan has been prepared then the Parks Department shall be relieved from this voluntary commitment. (ENG)

F. USE LIMITATION

1. Hours of operation for the outdoor sporting events (soccer) will be scheduled to end at approximately 10:00 pm. (ONGOING: CODE ENF)

G. 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)