

RESOLUTION NO. R-93- 646

RESOLUTION APPROVING ZONING PETITION CA92-47
CLASS A CONDITIONAL USE
PETITION OF ROPICO, INC.

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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA92-47 was presented to the Board of County Commissioners at a public hearing conducted on May 27, 1993; 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and'

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County 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 CA92-47, the petition of ROPICO INC. for a CLASS A CONDITIONAL USE allowing a ASSEMBLY, NON-PROFIT in the AGRICULTURAL RESIDENTIAL (AR) 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 May 27, 1993, subject to the conditions of approval 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 Lee and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of May, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

NATIONAL MUSEUM OF POLO AND HALL OF FAME

Tract 56, **LESS** the east' 100 feet and the South 15 feet, and that portion as conveyed to the County of Palm Beach as in Deed Book 897, page 186, Palm Beach County Records as follows: From the **SW** Corner of Tract 56, Block 25, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, pages 45 to 54 incl., Palm Beach County Public Records, run 15 Northerly along the West line of said Tract 56 to POINT OF BEGINNING. From Point of Beginning continue 41.67 ft. Northerly along the West line of said Tract 56 to a point; thence run 660 ft., more or less, N 89 26' 29" E to a point on the East line of said Tract 56; thence run 41.86 feet Southerly along the East line of Tract 56, to a point 15 ft. Northerly from the SE corner thereof; thence run 660 feet more or less, S 89 27' 29" W. along a line parallel to and 15 ft. Northerly from the South line of said tract, to a POINT OF BEGINNING; AND, the East 100 feet of TRACT 55, **LESS** than part more particularly described in Deed Book 1035, page 592, Palm Beach County Records, as follows: Starting at the **SW** corner of Tract 55 run along the West line 56.48 ft., thence N 89 26' 29" E to the East line of Tract; thence South along the East line of tract 56.67 ft. to the SE corner of Tract 55; thence S 89 27' 29" W along South line of Tract to point beginning, all in Block 25, Palm Beach Farms Company Plat No. 3, according to the plat thereof on file in the office of Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, pages 45 to 54 inclusive.

Combined with the following:

The west 45.28 ft. of the east 130.28 ft. of the north 199.81 ft. of tract 55, block 25, PALM BEACH FARMS CO. PLAT NO. 3, according to the plat thereof as recorded in the office of the Clerk of Circuit Court in and for Palm Beach County, Florida in Plat Book 2, page 47.

Combined with the followins:

The east 100 ft. of tract 55, block 25 PALM BEACH FARMS CO. PLAT NO. 3, according to the plat thereof as recorded in the office of the Clerk of Circuit Court in and for Palm Beach County, Florida in Plat Book 2, page 47, subject to the right of way of Lake Worth Road.

Combined with the following:

The east 100 ft. of Tract 56, less right-of-way of State Road 802, in Block 25, of PALM BEACH FARMS COMPANY PLAT NO, 3, recorded in Plat Book 2, Pages 45-54, Palm Beach County, Florida,

EXHIBIT B
VICINITY SKETCH

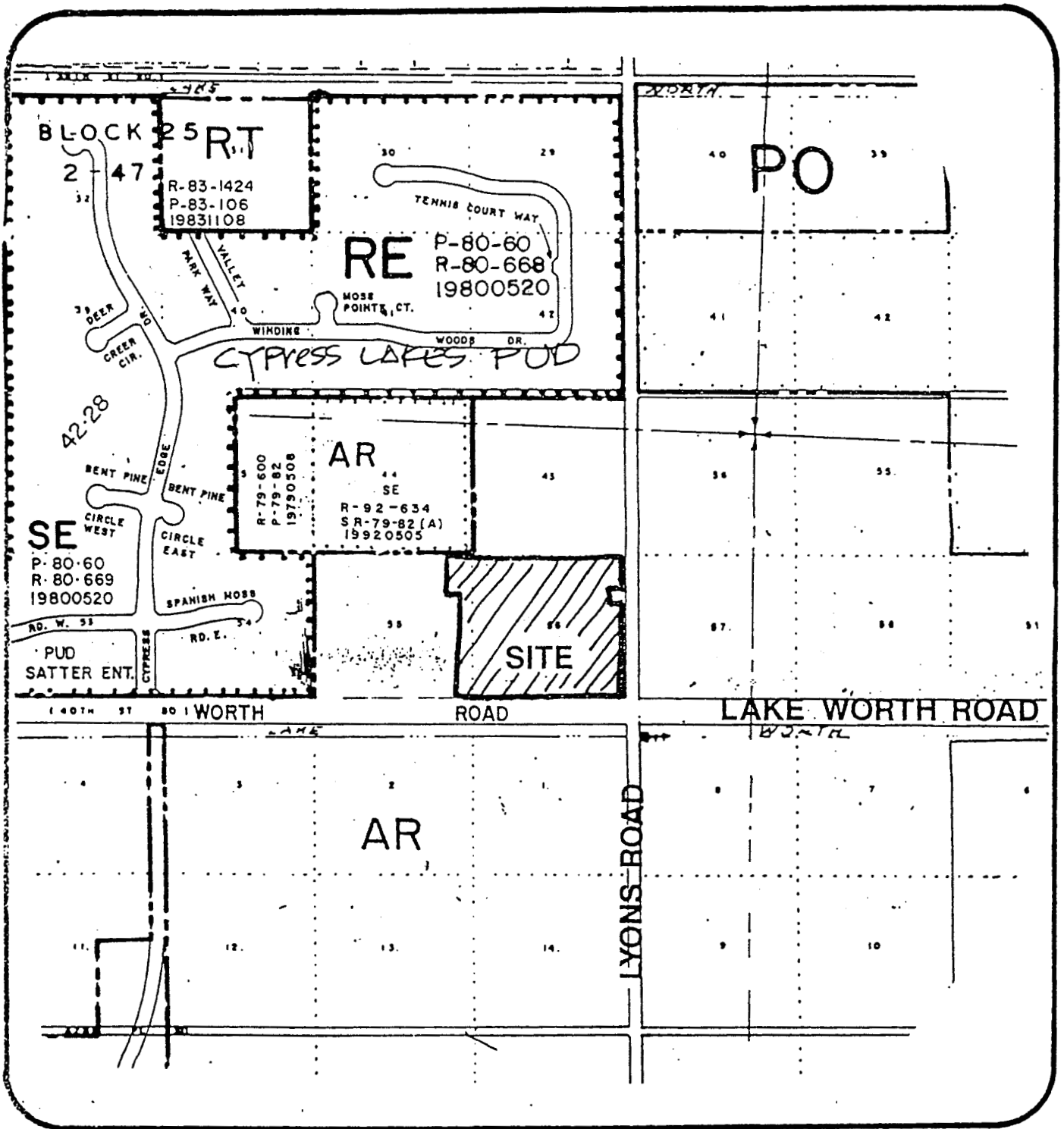


EXHIBIT C

CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of **12,500** square feet. Additional square footage may be approved pursuant to Article **5.4.E.13** (Minor Deviations) of the Palm Beach County Unified Land Development Code. (BUILDING)
2. The minimum setback for all structures adjacent to the north and west property line of the subject site shall be one hundred (**100**) feet. (BUILDING)
3. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color and character of the principle structure. (BUILDING)

B. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors shall be a minimum of fifty (**50**) feet from all property lines and shall be screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate. (ZONING/BUILDING)

C. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. All existing on-site sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC and Palm Beach County ECR-I. (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing on-site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)

D. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within **500** feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

E. ENGINEERING

1. The property owner has previously agreed to convey prior to **February 1, 1994** or prior to the issuance of the first Building Permit to the Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
 - a. Lake Worth Road, **64** feet from centerline.
 - b. Lyons Road, **76** feet from centerline along the project's entire frontage,

All free of encumbrances and encroachments. Developer 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer (MONITORING/BUILDING - Engineering).

2. Prior to **February 1, 1994** or prior to the issuance of the first Building Permit, the Property owner shall convey to Palm Beach County adequate road drainage easement through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Lyons Road along the property frontage and for a maximum **400** ft. distance each side of the property boundary lines along Lyons Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of **24** inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material (MONITORING - Engineering).
3. Property owner shall record a Unity of Title **on the** subject property prior to DRC approval. This Unity of Title may be broken with the Executive Director of Planning, Zoning and Building and the County Engineer. (ENGINEERING)

F. LANDSCAPE WITHIN MEDIAN

1. Prior to issuance of a Building Permit, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one **(1)** fourteen **(14)** foot tall native tree for each thirty **(30)** linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees:

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Ground cover:

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- 1) All plants shall be container grown or field collected and transplanted from the project site.
- 2) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (ENGINEERING/BUILDING)
2. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. (BUILDING/ENGINEERING)
3. Declaration of Covenants and Restriction Documents shall be established **or** amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (BUILDING/ENGINEERING - County Attorney)

G. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. (ZONING)
2. All trees required to be planted on site by this approval shall meet the following minimum standards at 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. (ZONING)
3. Prior to issuance of a Certificate of Occupancy, the petitioner shall install a landscape buffer along the perimeter of the Southern Bell parcel located on the eastern property line of the subject site.

The required landscape buffer along the perimeter bound by the subject property shall include:

- a. One (1) native canopy tree planted every twenty (20) feet on center;
- b. One (1) native palm trees for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
- c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation.

The required landscape buffer along the perimeter bound by the Lyons Road right-of-way shall include thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation to be maintained at a minimum height of seventy two (72) inches by the property owner. (BUILDING)

H. LANDSCAPING ALONG EAST & SOUTH PARCEL LINE (DEVELOPED PORTION OF THE SITE) (ABUTTING RIGHTS-OF-WAY)

1. Landscaping within the required buffer of the developed parcel along Lyons Road and Lake Worth Road shall be upgraded to include:
 - a. One (1) native canopy tree planted every twenty (20) feet on center;
 - b. One (1) native palm trees for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (ZONING)

I. LANDSCAPING ALONG NORTH & WEST PERIMETER LINE (DEVELOPED PORTION OF THE SITE)

1. Landscaping and buffering along the north and west perimeter of the developed portion of the site shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip.
 - b. One (1) native canopy tree planted every twenty (20) feet on center.
 - c. One (1) native palm tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
 - 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 forty-eight (48) inches. (ZONING)
2. All required perimeter landscaping shall be installed prior to issuance of the first Certificate of Occupancy (CO) for the assembly facility. (ZONING)

J. LANDSCAPING ALONG NORTH & WEST PERIMETER LINE (SUBJECT SITE)

1. In the event the undeveloped portion of the subject site is cleared or developed to support an accessory use to the proposed museum, landscaping and buffering along the north and west perimeter of the subject site shall be upgraded to include:
 - a. A minimum twenty five (25) foot wide landscape buffer strip.

- b. The required wall shall be constructed prior to issuance of any development permit or approval for the remaining portion of the subject site.
- c. One (1) native canopy tree planted every twenty (20) feet on center;
- d. One (1) native palm trees for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
- e. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (ZONING)

K. LIGHTING

- 1. All lighting fixtures shall not exceed twenty five (25) feet in height. (BUILDING)
- 2. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

L. PLANNING

- 1. The property owner shall rezone the property to a more appropriate zoning district when it becomes available. (PLANNING)
- 2. The owner of the museum shall provide the county Planning, Zoning and Building Department, executive director, with a statement on or before January 31 of each year declaring whether the museum is or is not a non-profit establishment. (MONITORING/PLANNING)
- 3. Use of the subject site is limited to non-profit assembly and other Agricultural Residential (AR) permitted uses. (PLANNING/ZONING)

M. RECYCLE SOLID WASTE

- 1. The property owner 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. (SWA)

N. SIGNS

- 1. Point of purchase signs shall be limited as follows:
 - a. Maximum sign height, measured from finished grade - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1);
 - d. Sign location - fronting on Lake Worth Road. (BUILDING)

O. VEGETATION PRESERVATION - GENERAL

- 1. No native vegetation shall be removed from the remainder of the subject site outside the perimeter of the proposed museum (developed portion). (ZONING)