

RESOLUTION NO. R-95- 1019

RESOLUTION APPROVING ZONING PETITION PDD95-02
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF RICHARD E. BONVIE

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 PDD95-02 was presented to the Board of County Commissioners at a public hearing conducted on July 27, 1995; 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) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; 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 PDD95-02, the petition of Richard E. Bonvie, for an Official Zoning Map Amendment from the Agricultural Residential (AR) to the Multiple Use Planned Development District (MUPD), 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 July 27, 1995, 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 Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of July, 1995.

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

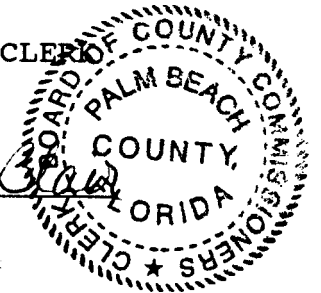


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

Tract 70 less the North 39.6 Feet and Tract 91, less the South 65 Feet, Block 77, PALM BEACH FARMS COMPANY PLAT No. 3 according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, at Pages 45 to 54 inclusive.

EXHIBIT B
VICINITY SKETCH

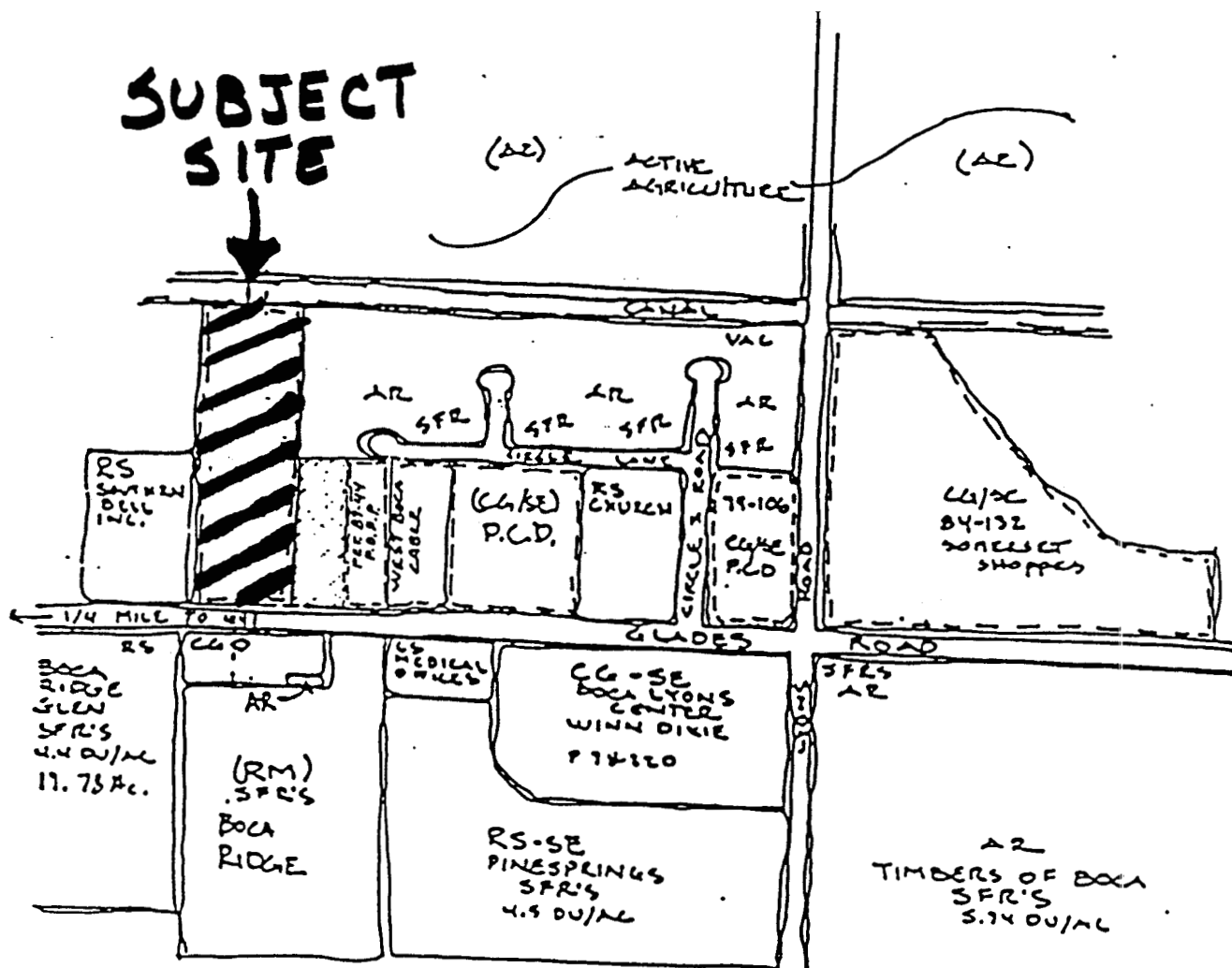


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. Resolution R-87-206 (Petition 86-63) is hereby **revoked**.
(MONITORING)

B. BUILDING AND SITE DESIGN

1. Total gross floor area on the south portion of the site, designated CL by the Comprehensive Plan, shall be limited to a maximum of 28,950 square feet. (BUILDING-Planning)
2. All buildings shall not exceed a maximum of two (2) stories in height. (BUILDING-Zoning)
3. No windows, except glass block, shall be permitted on the second floor on the west side of any building within the CLO portion of the site. (BUILDING-Zoning)
4. All buildings within the CLO portion of the site shall be setback a minimum of 125 feet from the west property line. (BUILDING-Zoning)
5. All air conditioning and mechanical equipment shall be **roof** mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. (BUILDING-Zoning)
6. Buildings located within the CL portion of the site shall not exceed the minimum front setback from Glades Road. (ZONING/Building)
7. The main entrance to all uses within the CL portion of the site shall face toward the north or east only. (ZONING/Building)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A management plan for the preserve area must be submitted to and receive approval from ERM prior to DRC certification of the preliminary development plan. (ERM)

D. HEALTH

1. Generation and disposal of hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (HEALTH)
2. Medical facilities will be required to contract for hazardous waste handling at the site. (HEALTH)

E. ENGINEERING

1. Prior to DRC approval, the property owner shall obtain a recorded cross access easement with the property owner to the west. Location and content of the access easement should be subject to the approval of the County Engineer and County Attorney. (ENGINEERING - County Attorney)
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. The Fair Share Fee for this project, Zoning Petition Number 95-02, to be paid at the time of issuance of the Building Permit presently is \$162,855.00 (296 trips X \$55.00 per trip). (IMPACT FEE COORDINATOR)

F. LANDSCAPING - GENERAL

1. The required landscape buffer along Glades Road shall be supplemented with a minimum of one (1) native palm tree for every thirty (30) linear feet of frontage. (BUILDING-Zoning)
2. The width of the landscape buffers shall not be reduced by the Development Review Committee (DRC). (ZONING)
3. Prior to final certification by the Development Review Committee (DRC) the preliminary development plan shall be amended to:
 - a) provide one (1) landscape terminal island for every eight (8) parking spaces adjacent to the building along Glades Road; and
 - b) include a five (5) foot wide landscape strip adjacent to the south facade of the building along Glades Road. This area shall be planted with one (1) tree for every fifty (50) square feet of required landscape area. Trees may be planted in groups spaced no more than forty (40) feet on center. (ZONING-Building)

G. LANDSCAPING ALONG THE NORTHEAST AND NORTHWEST PROPERTY LINES (ADJACENT TO RESIDENTIAL)

1. The landscape buffer along the northeast property line shall be upgraded to include a minimum six (6) foot high opaque concrete wall. (BUILDING/Zoning)
2. The landscape buffer along the northwest property line shall be upgraded to include the following:
 - a) minimum six (6) foot high opaque concrete wall, installed in the center of the buffer;
 - b) minimum buffer width of thirty (30) feet; and
 - c) four (4) foot high berm on the west side of the required wall.

All required landscaping shall be installed on the exterior side of the opaque wall. (BUILDING-Zoning)

H. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT-Zoning)
2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (BUILDING-Zoning)

I. SECURITY

1. Access to the office area located north of the required preserve shall be limited to tenants and employees only between 6:00 PM and 6:00 AM Monday through Saturday and all day Sunday. At a minimum, a security gate with electronic access shall be provided. (BUILDING-Zoning)

J. SIGNS

1. Freestanding point of purchase signs shall be limited as follows:
 - a) Maximum sign height, measured from finished grade to highest point, - ten (10) feet.

- b) Maximum total sign face area per side - 100 square feet.
- c) Maximum number of signs - one (1).
- d) Style - monument style only. (BUILDING-Zoning)

K. USE LIMITATION

- 1. The 1.9 acre area of the site, designated CL by the Comprehensive Plan, shall be limited to office use, bookstore, or high quality restaurant as defined by the County Engineer and the ITE Manual. (BUILDING-Zoning/Engineering)
- 2. No outdoor seating, twenty-four (24) hour operation, fast food or drive through service shall be permitted within the portion of the site designated CL by the Comprehensive Plan. (BUILDING/CODE ENFORCEMENT-Zoning)
- 3. Total gross floor area shall be limited to a maximum of 105,950 square feet. Expansion by the DRC within the CLO portion of the site shall be limited to five per cent (5%) or 1,000 square feet, whichever is less. (BUILDING/ZONING)
- 4. To ensure consistency with the site plan dated 7/27/95 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be administratively relocated by the DRC to portions of the site not previously covered. (ZONING)

L. COMPLIANCE

- 1. 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; cease and desist 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 Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - 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;
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

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 Conditional Use, 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. (MONITORING)