

RESOLUTION R-96- 1014

RESOLUTION AMENDING RESOLUTION R-96-536
RESOLUTION APPROVING ZONING PETITION OF SEAMEL, INC.
PETITION EAC74-195 (B)

WHEREAS, Seamel, Inc., petitioned the Palm Beach County Board of County Commissioners on April 25, 1996 for Development Order Amendment/Expedited Application Consideration (EAC) to add two access points to the commercial pod; and

WHEREAS, Resolution R-96-536, adopted on April 25, 1996 confirming the action of the Board of County Commissioners inadvertently did not correctly consolidate all previous modified or deleted conditions in Exhibit C; and

WHEREAS Exhibit C of Resolution R-96-536 should have read as shown on attached Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Exhibit C of Resolution R-96-536 is hereby amended.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this July 25, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: [Signature]
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: [Signature]
DEPUTY CLERK

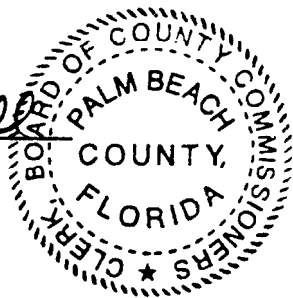


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. GENERAL CONDITIONS

1. Condition A.1. of Resolution R-94-364, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-75-32, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, unless expressly modified.

Is hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-75-32 (Petition 74-195), and R-94-364 (Petition DOA74-195(A), Resolution R-80-850 (Petition 80-101) and Resolution R-79-1632 (Petition 79-230) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Prior to the dredging of the marina the appropriate approvals shall be obtained from all required governmental agencies. (Previously Condition 2 of Resolution R-94-364, Petition 74-195A). (Status: Done.)
3. The North Peninsula (30 30 acres) and abutting property will be deeded for a Metropolitan Park in perpetuity and the reasonable use of said park, by the public, shall be worked out between the Palm Beach County Planning, Zoning and Building Department and the developer after approval of the Pinal Master Land Use Plan and prior to the filing of the first plat. (Previously Condition 3 of Resolution R-94-364, Petition 74-195A). (Status: Done.)
- ~~4. Developer shall maintain a one hundred (100) foot setback from the Intracoastal Waterway on the South Peninsula. (Previously Condition 4 of Resolution R-94-364, Petition 74-195A). (DRC: ZONING)~~

(NOTE: Condition deleted by Resolution R-80-850, Petition 80-101).

5. Developer shall preserve the specimen trees when developing the South Peninsula. (Previously Condition 5 of Resolution R-94-364, Petition 74-195A). (ERM)
6. Drainage Plan to be submitted and approved by the applicable governmental agencies for protection of the aquatic preserve. (Previously Condition 6 of Resolution R-94-364, Petition 74-195A). (ENG)
7. Gross density shall not exceed eight (8) dwelling units per acre. (Previously Condition 7 of Resolution R-94-364, Petition 74-195A). (DRC: ZONING)

8. Developer shall donate the existing fire station equipment to the Fire District. (Previously Condition 8 of Resolution R-94-364, Petition 74-195A), (PREM)
- ~~9. Developer agrees to provide \$635,000.00 toward construction of a four (4) lane urban section of Indiantown Road as approved by the County Engineering Department from the Intracoastal Waterway to Alternate A1A and Alternate A1A from the intersection of Indiantown Road south along the west boundary line of the subject property to the terminus of the subject planned unit development property. (Previously Condition 9 of Resolution R-94-364, Petition 74-195A). (ENG)~~

NOTE: Condition modified by Resolution R-79-1632, Petition 79-230:

Developer agrees to provide fees as required by Palm Beach County's Pair Share Contribution for Road Improvements Ordinance. (ENG)

10. The signalization of the three (3) turnouts as shown on the Preliminary Master Land Use Plan shall be installed at the developer's expense. (Previously Condition 10 of Resolution R-94-364, Petition 74-195A). (ENG)
11. Prior to the issuance of any building permits the developer shall dedicate to Palm Beach County the required rights-of-way for Alternate A-1-A and Indiantown Road. (Previously Condition 11 of Resolution R-94-364, Petition 74-195A). (ENG)
12. All water body areas in the project shall be maintained by the homeowners or condominium association. (Previously Condition 12 of Resolution R-94-364, Petition 74-195A). (CO ATTY)
13. Relocation of all persons presently residing on the subject site shall be at the developer's expense. (Previously Condition 13 of Resolution R-94-364, Petition 74-195A). (Status: Done.)
14. Prior to master plan certification by the Development Review Committee (DRC), the site plan for the commercial pod shall be amended to reflect all changes required by the conditions of approval contained herein. (DRC: ZONING)

B. PARCEL AA

1. The developer of and/or builders in Parcel ~~AA~~ shall include in all written sales brochures, contracts, site plans and master plans, a disclosure statement identifying the 30 acre park property as County-owned property to be developed and operated as a public park and all interested parties should contact the Palm Beach County Parks and Recreation Department for information pertaining to the park. (ONGOING: PARKS) (Previously Condition 3.1 of Resolution R-94-364, Petition 74-195A).

C. LANDSCAPING - COMMERCIAL POD ONLY

1. All trees required to be planted in the commercial pod 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. (CO: LANDSCAPE - Zoning)
2. Interior grade-level tree planters shall be required within all applicable parking areas in accordance with Section 7.3.E.2.a.(2)(b) of the ULDC. (CO: LANDSCAPE)
3. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: ZONING)
4. Landscape islands shall be provided along the front: and side facades of all commercial structures. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape islands shall be no less than 40% of the total length of the applicable side of the structure. All required landscape islands shall be planted with a minimum of one (1) tree every 20 feet on center and appropriate ground cover. (CO: LANDSCAPE)

D. LANDSCAPING ALONG SOUTH PROPERTY LINE OF COMMERCIAL POD - ABUTTING RESIDENTIAL

1. Landscaping and buffering along the south property line of the commercial pod, abutting residential Pod J, shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip; and
 - b. A six (6) foot high opaque concrete wall. The wall shall not encroach any setbacks required by ENCON for utility purposes. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE-Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and

- c. 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. (CO: LANDSCAPE-Zoning)
3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high **shrub** or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning)

E. ENGINEERING

1. Prior to the issuance of a building permit the property **owner** shall convey to Palm Beach County Land Development **Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Indiantown Road at the projects east entrance road. 'This right-of-way shall be a minimum of 210 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner 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. (BLDG. PERMIT: MONITORING = Eng)
2. The Property owner shall construct:
 - a) right turn lane south approach on SR A1A at the projects south entrance;
 - b) right turn lane west approach on Indiantown Road at the projects east entrance; and
 - c) channelized left turn lane (partial median opening to permit lefts in only) on Indiantown Road at the projects east entrance.

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. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Should the Department of Transportation deny permits for this construction, then the property owner shall be relieved of that portion of this condition which is denied. This shall also apply with the right of way condition above. All construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING/Eng)

F. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES OF COMMERCIAL POD (ABUTTING R-O-W)

1. Landscaping and buffering along the north and west property lines of the commercial pod shall be upgraded to meet the standards of the Jupiter IOZ. (CO: LANDSCAPE-Zoning)

G. LIGHTING - COMMERCIAL POD ONLY

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. (CO/ONGOING: BLDG/CODE ENF-Zoning)
2. All outdoor lighting fixtures shall not exceed thirty (30) feet in height, measured from finished grade to highest point. (CO: BLDG-Zoning)

H. MASS TRANSIT - COMMERCIAL POD ONLY

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRC: ZONING - School Board/Eng/Planning)
2. The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts. This condition shall remain in effect until April 25, 1997. (DATE: MONITORING - Eng)

I. PLANNED DEVELOPMENT - COMMERCIAL POD ONLY

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: CO ATT - Zoning)
2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: CO ATT - Zoning)

J. PARKING - COMMERCIAL POD ONLY

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF)
2. Prior to master plan certification by the Development Review Committee (DRC), the site plan shall be amended to include shopping cart storage and retrieval corrals in all retail parking areas. (DRC: ZONING)

K. SIGNS - COMMERCIAL POD ONLY

1. Point of purchase and/or freestanding signs fronting on Alternate A1A shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 180 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
2. Point of purchase and/or freestanding signs fronting on Indiantown Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 180 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
3. Outparcel identification signs shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area per side - 80 square feet;
 - c. Maximum number of signs - one (1) per outparcel; and
 - d. Style - monument style only. (CO: BLDG)

L. COMPLIANCE

1. 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; 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.

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)