

RESOLUTION NO. R-96- 1181

RESOLUTION APPROVING ZONING PETITION PDD96-07
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF INTERNATIONAL SPORTS ASSOCIATION
BY KIERAN KILDAY, AGENT
(MISSION BAY CORPORATE PARK)

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 PDD96-07 was presented to the Board of County Commissioners at a public hearing conducted on July 25, 1996; 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 PDD96-07, the petition of International Sports Assoc. by Kieran Kilday, agent, for an Official Zoning Map Amendment from the Residential Transitional Suburban (RTS) Zoning District to the Multiple Use Planned Development (MUPD) 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 July 25, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Roberts 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	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on August 22, 1996.

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

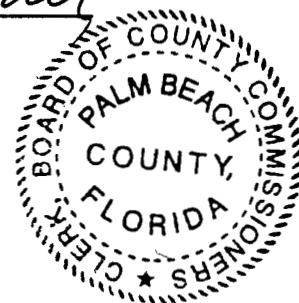


EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"

DESCRIPTION:

BEING ALL OF PARCEL KO. 1 AND PARCEL NO. 2 ACCORDING TO THE PLAT OF MISSION BAY TRACT "O" AS RECORDED IN PLAT BOOK 59, PAGES 196 AND 197, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

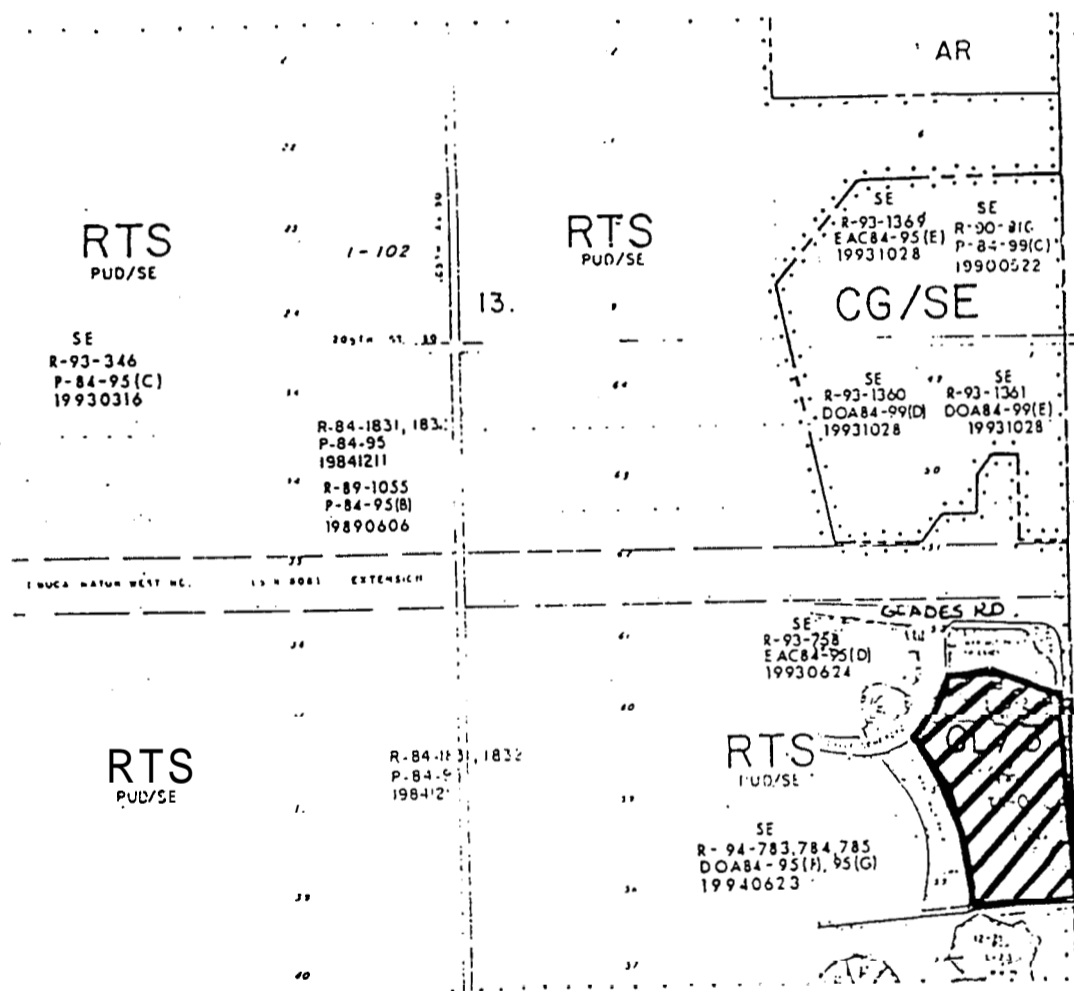
BEING A PORTION OF THE LANDSCAPE BUFFER (TRACT "P") ACCORDING TO THE PLAT OF MISSION BAY AS RECORDED IN PLAT BOOK 53, PAGES 112 THROUGH 120 INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE PREVIOUSLY DESCRIBED PARCEL NO. 2; THENCE SOUTH $70^{\circ}25'37''$ EAST, A DISTANCE OF 27.29 FEET; THENCE SOUTH $04^{\circ}33'42''$ EAST, A DISTANCE OF 873.93 FEET; THENCE SOUTH $85^{\circ}47'34''$ WEST, A DISTANCE OF 433.17 FEET (THE LAST TWO DESCRIBED COURSES BEING COINCIDENT WITH THE BOUNDARY OF SAID LANDSCAPE BUFFER); THENCE NORTH $15^{\circ}29'07''$ WEST, A DISTANCE OF 25.49 FEET; THENCE NORTH $85^{\circ}47'34''$ EAST ALONG THE SOUTH LINE OF THE PREVIOUSLY DESCRIBED PARCEL NO. 1; A DISTANCE OF 413.00 FEET; THENCE NORTH $04^{\circ}33'42''$ WEST ALONG THE EAST LINE OF THE PREVIOUSLY DESCRIBED PARCEL NO. 1 AND PARCEL NO. 2, A DISTANCE OF 859.98 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 11.22 ACRES MORE OR LESS.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: PDD96-07
 Zoning Quad Page _____
 Date: _____



EXHIBIT C

CONDITIONS OF APPROVAL

A. USE LIMITATION

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (Exhibit dated July 12, 1996). 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)
2. Open storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the shopping center. (ONGOING: CODE ENF)
3. The funeral home shall be limited to chapel services and viewing only. No cremation, embalming or body preparation shall be done on site (ONGOING: ZONING/CODE ENF)
4. Hours of operation for the shopping center shall be limited from 7 a.m. to 11 p.m., with the exception of Thanksgiving to New Year's, annually, and special events as permitted pursuant to the ULDC. (ONGOING: ZONING/CODE ENF)
5. Garbage/trash shall not be picked up between the hours of 11 p.m. and 8 a.m.. (ONGOING: ZONING/CODE ENF)

B. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and agency responsible for sewage works are constructed and used by project tenant or owner generating such effluent. (ONGOING: HEALTH/CODE ENF)

C. MUPD

1. Total retail gross floor area for Phase II shall be limited to a maximum of 112,000 square feet.
2. The shopping center shall be limited to 123,255 square feet. Expansions shall be limited to five per cent (5%) or 1,000 square feet, whichever is less. (DRC: ZONING)
3. To ensure consistency with the site plan dated July 12, 1996 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 relocated to portions of the site not previously covered. (DRC: ZONING)
4. No single retail user/space shall exceed 55,000 square feet, (DRC: ZONING)
5. 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: ZONING - Co Att)

6. 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: ZONING - Co Att)

D. ACCESS

1. No truck deliveries shall be permitted from the Calle Comercio access. (ONGOING: CODE ENF)

E. ENGINEERING

1. The Property owner shall construct a right turn lane on SR 7 at the projects entrance road on SR 7. 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. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG PERMIT/CO: MONITORING - Eng)

2. Prior to Development Review Committee approval the property owner shall:

- a) incorporate into the master signage program for the site, traffic directional signs for northbound vehicles on SR 7 entering the site. Location and type of these signs shall be approved by the Florida Department of Transportation and the County Engineer. Placement of these signs shall, be completed concurrent with the construction of the right turn lane on SR 7 required above.

- b) the property owner shall revise the site plan to provide for a minimum of 100 foot clear area for vehicles entering and exiting the site from the southerly entrance from Calle Comercio. (DRC: ENG).

3. LANDSCAPE WITHIN MEDIAN

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to upgrade all the landscaping of the adjacent median of SR 7. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept^a outlined in the Palm Beach County Engineering and Public Works Department Xarch 1994 Streetscape Standards and 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 at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: Monitoring - Eng)
- 4. No building permits shall be issued without a new traffic study addressing the County Traffic Performance Standards (TPS and traffic conditions existing at the time of permit application, if the ownership of Mission Bay Corporate Park is not the same as the Mission Bay PUD (currently shown as Mission Bay Community Associates, Inc.). (Note: The traffic study approved with Petition 96-07 assumes that the Corporate Park is still one "project" with the Mission Bay PUD because of the same ownership and shared infrastructure. Consequently, all trips between the Corporate Park and PUD are considered "internal" trips for purposes of TPS and impact fee calculation). (BLDG PERMIT: MONITORING - Eng)
- 5. Existing impact fee credits from Mission Bay PUD shall be made available to the commercial tract (Petition No. PDD96-07) and for the additional multi-family units for Tract "F" (Petition No. DOA84-95(I)). (BLDG PERMIT: Impact Fee Coordinator)

F. **MASS TRANSIT**

- 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)

G. 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. (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)

H. PARKING

1. All delivery and/or loading areas shall be screened from view from the west property line by a twelve (12) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principle structure. (CO: BLDG - Zoning)
2. 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)
3. Prior to final site 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)
4. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within thirty (30) feet of the west property line and shall be confined to the areas designated on the site plan. (DRC / ONGOING: ZONING / CODE ENF)
5. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to reflect the relocation of the existing dumpster so as to coincide with the service vehicle traffic flow of the proposed shopping center. (DRC: ZONING)

I. SIGNS

1. Point of purchase and/or freestanding signs fronting on State Road 7 shall be limited as follows:
 - a. Maximum number of signs - two (2);
 - b. Maximum sign height, measured from finished grade to highest point - for one sign, twenty (20) feet, for second sign ten (10) feet;
 - c. Maximum sign face area per side - for one sign, 180 square feet, for second sign 100 square feet;
 - d. Style - monument style only, for both signs. (CO: BLDG)
2. Point of purchase and/or freestanding signs fronting on Calle Comercio Road shall be limited as follows:
 - a. Maximum number of signs - one (1);

- b. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - c. Maximum sign face area per side - 100 square feet;
 - d. Style - monument style only. (CO: BLDG)
3. Off-premises directional signs along Calle Comercio Road shall have approval from the Mission Bay Community Association and shall be limited to the following:
- a. Maximum number of signs - one (1);
 - b. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - c. Maximum sign face area per side - 24 square feet
 - d. Style - monument style only. (CO: BLDG)
4. Prior to the issuance of a building permit for signs, the petitioner shall submit documentation from the Mission Bay Community Association approving the architectural design of all proposed signs. (BLDG PERMIT: ZONING)

J. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, 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)

K. LANDSCAPING - INTERIOR

1. Prior to final DRC certification, the site plan shall be amended to reflect the following:
- a. Ten (10) foot wide landscape divider medians between all rows of abutting parking with one (1) tree and appropriate ground cover planted for each thirty (30) linear feet of the divider median.
 - b. Interior grade-level tree planters shall be required within all rows of abutting parking not having ten (10) foot wide landscape divider medians, in accordance with Section 7.3.E.2.a(2)(b) of the ULDC.
 - c. The five (5) foot wide landscape divider medians depicted on the July 12, 1996 site plan may be maintained provided that at final DRC it is determined by DRC ~~that~~ the medians are in excess of the required interior landscape requirements. Such determination by the DRC shall be based on calculations and plans submitted by the petitioner.

- d. Landscape dividers adjacent to the SR 7/US 441 shall be revised to reflect a ten (10) foot wide minimum width, exclusive of sidewalks.
- e. 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.
- f. Landscape islands shall be provided along the front and side facades of all 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.
- g. One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred five (105) linear feet.. (DRC: ZONING)

L. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A six (6) foot high concrete wall on top of a continuous two (2) foot high ~~berm~~. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (DRC / CO: ZONING / LANDSCAPE)
- 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 minimum 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. (DRC / CO: ZONING / LANDSCAPE)
- 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. (DRC / CO: ZONING / LANDSCAPE)

M. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING R-O-W)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. One canopy tree thirty (30) feet on center planted in a staggered form on the interior and exterior side of a thirty-six (36) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at time of installation.
 - b. One (1) palm or pine tree for each twenty (20) linear feet, with a minimum 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. (DRC/CO: ZONING/ LANDSCAPE)

N. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A six (6) foot high green vinyl chain link fence. (DRC / CO: ZONING / LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - 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 minimum 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. (DRC/ CO: ZONING / LANDSCAPE)

O. 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)