

RESOLUTION NO. R-96-1355

RESOLUTION APPROVING ZONING PETITION PDD95-106
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF CALLERY-JUDGE GROVES
BY ANNA S. COTTRELL, AGENT
(GROVE MARKET)

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 PDD95-106 was presented to the Board of County Commissioners at a public hearing conducted on August 22, 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 PDD95-106, the petition of Callery-Judge Groves by Anna S. Cottrell, agent, for an Official Zoning Map Amendment from Agriculture Residential (AR) to Multiple Use Planned Development (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 August 22, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

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

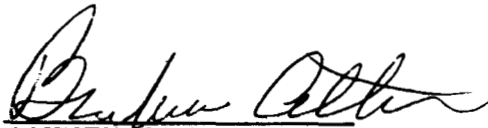
The Chair thereupon declared that the resolution was duly passed and adopted on September 26, 1996.

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

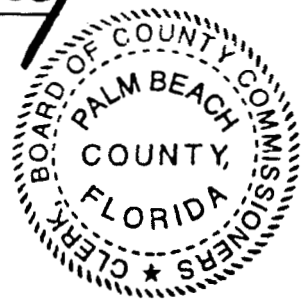


EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION

A parcel situate in **Section 1, Township 43 South, Range 40 East, Palm Beach County, Florida**, more particularly described as follows:

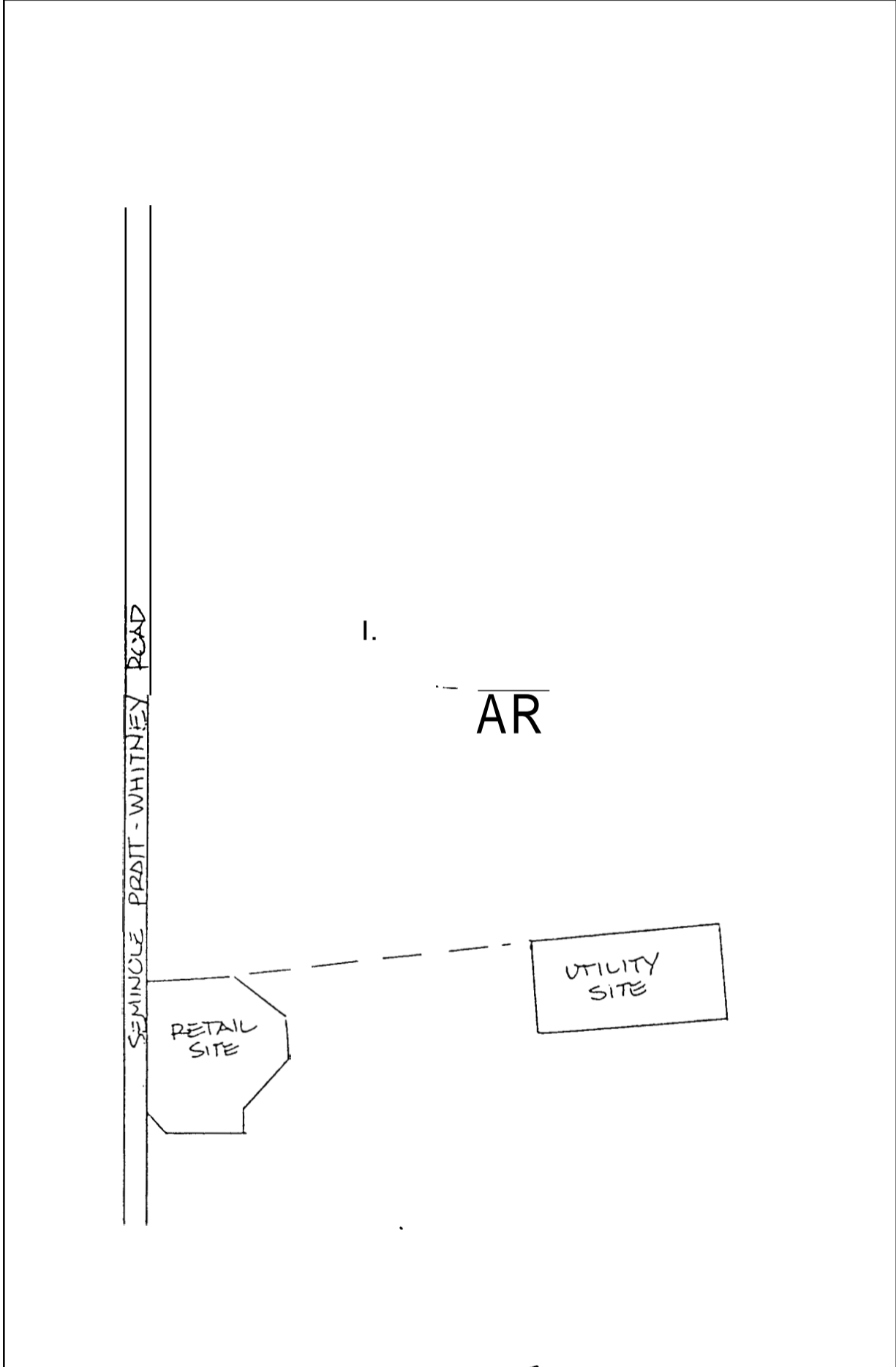
Commencing at the intersection of the **South** right-of-way line of **Canal "M" Road (Record Book 6, page 141)** and the **East** right-of-way line of **Seminole Pratt-Whitney Road (Record Book 4, page 40), [N. 884040.7678, E. 726114.0998, Palm Beach County, Florida Coordinate System]** run **South 01° 42' 54" West** along said East right-of-way, **3461.15 feet**; thence leaving said right-of-way, run **South 88° 17' 06" East, 10.00 feet** to the Point of Beginning.

From the Point of Beginning, continue **South 88° 17' 06" East, 371.55 feet**; thence **South 43° 17' 06" East, 374.78 feet**; thence **South 01° 42' 54" West, 477.98 feet**; thence **North 88° 17' 06" West, 556.56 feet**; thence **North 43° 17' 19" West, 113.13 feet** to a point which is **10.00 feet East** of the **Seminole Pratt-Whitney Road right-of-way**; thence **North 01° 42' 54" East, parallel with and 10.00 feet East** of said right-of-way, **663.00 feet** to the Point of Beginning

All the above situate in **Palm Beach County, Florida** and containing **9.98 acres**, more or less.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition Number: PDD95-106
Zoning Quad Page _____
Date: _____



EXHIBIT C

CONDITIONS OF APPROVAL

A. USE LIMITATIONS

1. Development of the site is limited to the uses and site design on the preliminary development plan/site plan dated August 13, 1996 approved by the Board of County Commissioners. 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 or conditions of approval. (DRC: ZONING)

B. ARCHITECTURAL CONTROL

1. All buildings and structures shall be designed and constructed to be consistent with the Regulating Plan elevations, dated May 29, 1996, prepared by Kenneth R. Carlson. (BLDG PERMIT: BLDG - Zoning)
2. Similar architectural character and treatment, such as color, material and roof treatment, shall be provided on all sides of the buildings (i.e. excluding canopies and awnings in the rear). (BLDG PERMIT: BLDG - Zoning)
3. The architectural design of the buildings shall include the items specified below,
 - a. All structures shall be consistent in the use of common elements such as colors, architectural details and landscape materials.
 - b. All mechanical and electrical equipment shall be screened from view so as not to be visible from any property line.
 - c. Interior and exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture.
 - d. Roof and/or trim color shall be coordinated with base colors. Gutters and down spouts shall be integrated into the architectural design of the building. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 89,557 square feet. The gross floor area of any individual tenant shall be limited to a maximum of 55,000 square feet. (BLDG PERMIT: BLDG - Zoning)
2. A maximum of three (3) separate free standing buildings shall be permitted on-site. A maximum of one (1) out-parcel may have vehicular circulation on all four (4) sides. (ONGOING/DRC: BLDG - Zoning)
3. The petitioner shall vary the front facade of all structures a minimum depth of ten (10) feet per maximum distance of three hundred (300) linear feet. (BLDG PERMIT: BLDG - Zoning)

4. Prior to final Development Review Committee (DRC) certification, the petitioner shall obtain removal agreements for improvements within proposed utility easements along the property lines. (DRC: ZONING)

D. DUMPSTERS AND TRASH COMPACTORS

1. All dumpsters and trash compactors shall be located a minimum of twenty-five (25) feet from all property lines and confined to the areas designated on the site plan. (DRC / ONGOING: ZONING / CODE ENF)
2. All dumpsters and trash compactors, shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the adjacent building's architecture. (CO: BLDG - Zoning)
3. The required screening for dumpsters and trash compactors shall be a minimum six (6) foot high opaque enclosure. The height of the enclosure shall be measured from the elevation of the asphalt adjacent to and outside the enclosed area. (CO: BLDG - 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 Seminole Pratt Whitney Road at the project's main entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet (on an alignment approved by the County Engineer) .oras 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 convey to the Palm Beach County Land Development Division by road right-of-way warranty deed:
 - a) Seminole Pratt Whitney Road, 60 feet from centerline; and
 - b) Persimmon Street, 80 feet south of this projects south property line.

This additional right of way shall be conveyed on or before December 1, 1997 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all 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 "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING - Eng)

3. The Property owner shall construct:
 - a) Persimmon Street from Seminole Pratt Whitney Road east to the project's vest property line.

Construction shall be to collector street standard minimum 3 - 12 foot travel lanes. This will provide for a left turn lane east approach on Persimmon Street at Seminole Pratt Whitney Road, and a left turn lane at the project main entrance. The Developer shall also provide adjacent to this commercial site a stormwater management tract for the stormwater runoff of Persimmon Street. The amount of runoff required to be stored in this tract shall be based upon the applicable County Water Control District, South Florida Water Management District and Palm Beach County Engineering Requirements. (DRAINAGE REVIEW: ENG)

- b) left turn lane north approach on Seminole Pratt Whitney Road at the each of the projects entrance roads; and
- c) right turn lane south approach on Seminole Pratt Whitney Road at the projects main entrance road.
- d) separate left and right turn lanes east approach at the projects main entrance road exiting onto Seminole Pratt Whitney Road and Persimmon Street.

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. Those 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. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING, ENG)

- 4, In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a) No building permits for the site may be issued after January 1, 1999. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Eng)

F. HEALTH

- 1. An engineering report properly addressing the removal and disposal of the asbestos cement piping identified in the Environmental Site Assessment Report dated April 17, 1996, is required. The report shall be submitted to PBCPHU prior to final site plan approval. (DRC: HEALTH)

G. LANDSCAPE

- 1. All shade and canopy trees required to be planted on site by the conditions of approval shall meet the following minimum standards at time of installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade; and

- 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. All palms required to be planted on site by the conditions of approval shall be native species and meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet grey wood;
 - b. Clustering: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts. (CO: LANDSCAPE - Zoning)
- 3. All perimeter buffers shall be completed prior to the issuance of the first certificate of occupancy for the shopping center. (DRC/CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG WEST AND SOUTH PROPERTY LINES (SEMINOLE PRATT-WHITNEY ROAD AND PERSIMMON STREET)

- 1. Landscaping and buffering along the west and south property lines shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. An undulating berm having an average height of 2.5 feet measured from the top of curb. At no time shall the berm be less than two (2) feet in height;
 - c. One (1) tree for each twenty (20) linear feet of frontage property line with a maximum spacing of thirty (30) feet on center. A minimum of 50% of the required trees shall be shade or canopy trees,
 - d. One (1) palm or pine tree for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet; and
 - e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (DRC/CO/ONGOING: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES

- 1. Landscaping and buffering along the north and east property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. Continuous two (2) foot high berm with the height of berm measured from the top of curb; and
 - c. A six (6) foot high green vinyl coated chain link fence on the plateau of the berm. (DRC/CO: LANDSCAPE - Zoning)
- 2. The following landscape requirements shall be installed alternating on the interior and exterior side of the required fence:
 - a. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center; and

- b. One (1) palm or pine tree for each thirty (30) linear feet perimeter property line with a maximum spacing of sixty (60) feet between clusters. (DRC/CO: LANDSCAPE - Zoning)
3. Along the exterior side of the required fence the property owner shall install on the plateau of the ~~perm~~ twenty **four (24)** inch high **shrub** or hedge material spaced no more than twenty four (24) inches on center at installation, This shrub or hedge material shall **be** maintained at a minimum height of sixty (60) inches. (DRC/CO/ONGOING: **LANDSCAPE - Zoning**)

J. LANDSCAPING - INTERIOR

1. Landscaping shall **be** provided along the west and southwest facades of the principal structure and meet the following minimum standards:
 - a. The minimum width of this foundation planting shall **be** ten (10) feet;
 - b. The petitioner shall install one tree for each thirty (30) linear feet **of** adjacent building facade with a maximum spacing of forty (40) feet on center;
 - c. The petitioner shall install one palm for each twenty (20) linear feet of adjacent building facade with a maximum spacing of one hundred (100) feet between clusters; and
 - d. The petitioner shall provide appropriate ground cover and **shrub** material in the foundation planting areas. (DRC/CO: **LANDSCAPE - Zoning**)
2. Foundation plantings shall be provided along the unroofed front and side facades **of** all structures. The minimum width of this foundation planting shall be five (5) feet. The combined length of the landscape area shall be no less than **40%** of the total length of the applicable side of the structure. All foundation landscape areas plantings shall be planted with a minimum of one (1) tree every twenty (20) feet on center and appropriate ground cover. (DRC / CO: LANDSCAPE - Zoning)
3. Landscaped divider medians shall be provided between all rows **of** abutting parking and meet the following minimum standards:
 - a. The minimum width **of** divider medians shall be ten (10) feet. The ten feet may **be** reduced to five feet if the divider median is in excess of the interior landscape requirements;
 - b. One evergreen canopy tree and appropriate ground cover shall be planted for each twenty (25) linear feet **of** the divider median, with a maximum tree spacing of forty (40) feet on center; and
 - c. One (1) palm or pine tree for each thirty (30) linear feet perimeter property line with a maximum spacing of sixty (60) feet between clusters. (DRC / CO: LANDSCAPE - Zoning)
4. One evergreen canopy tree and appropriate ground cover shall **be** planted in each interior parking island. (DRC / CO: LANDSCAPE - Zoning)

5. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be required in the center of all ingress or egress driveways if over thirty (30) feet in width. The minimum width of these entry medians shall be six (6) feet with a minimum landscape area width of five (5) feet. The minimum length of these entry medians shall be twenty five (25) feet. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC / CO: LANDSCAPE - Zoning)

K. 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. Low intensity back lighted or interior lighted signs may be permitted. (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)

L. MASS TRANSIT

1. Prior to final certification of the raster 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)

M. MUPD

1. Total gross floor area shall be limited to a maximum of 89,557 square feet. (DRC/BLDG PERMIT: BLDG - Zoning)
2. To ensure consistency with the site plan dated August 13, 1996 presented to the Board of County Commissioners, no more than fifteen (15) percent of the total approved square footage shall be administratively relocated. (DRC: ZONING)
3. Prior to final 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 buildings, elevations and signage for the entire property. 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)
4. Prior to final 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)

N. PARKING

1. A maximum of 448 parking spaces shall be allowed on site. (DRC: ZONING)
2. Delivery and loading areas for the principal structure shall be located in the rear of the building. Screening shall consist of a depressed truckwell and an enclosed truck loading dock platform. The loading dock platform shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (CO: BLDG - Zoning)
3. Parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF)
4. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except for within designated loading areas in the rear of the principal structure. (ONGOING: CODE ENF)
5. Storage or parking of delivery vehicles or trucks shall not be permitted within fifty (50) feet of the north and east property lines. (ONGOING: CODE ENF)
6. Prior to final DRC certification, the site plan shall be amended to include effective screening of all loading areas from adjacent rights-of-way and perimeter property lines. (DRC: ZONING)
7. The parking aisle located on the west side of the Persimmon Street turnout shall be closed. Appropriate exit signs shall be provided to direct traffic to the shopping center's main drive. (DRC: BLDG - Zoning)
8. Prior to site plan certification by the final 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)

O. SIGNS

1. The main freestanding shopping center sign on Seminole Pratt-Whitney Road shall be limited as follows:
 - a. Maximum sign height, measured from top of curb to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 150 square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only; and
 - f. Location - maximum fifteen (15) feet from edge of pavement. (BLDG PERMIT: BLDG - Zoning)
2. Point of purchase and/or freestanding signs for the two outparcels on Seminole Pratt-Whitney Road shall be limited as follows:
 - a. Maximum sign height, measured from top of curb to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 90 square feet;
 - c. Maximum number of signs - one (1) each;
 - d. Style - monument style only; and

- f. Location - maximum fifty (50) feet from outparcel building. (BLDG PERMIT: BLDG - Zoning)
3. Proposed signage on Persimmon Street shall be limited as follows:
- a. Maximum sign height, measured from top of curb to highest point - eight (8) feet;
 - b. Maximum sign face area per side - 60 square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only; and
 - e. Location - maximum fifteen (15) feet from edge of pavement. (BLDG PERMIT: BLDG - Zoning)

P. 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)