

RESOLUTION NO. R-97- 1593

RESOLUTION APPROVING ZONING PETITION DOA85-69(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF WOODS WALK JOINT VENTURE
BY GEORGE GENTILE, AGENT
(WOODS WALK PLAZA)

30/11/97

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

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

WHEREAS, Zoning Petition DOA85-69(C) was presented to the Board of County Commissioners at a public hearing conducted on October 23, 1997; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 COUNM COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Zoning Petition DOA85-69(C), the petition of Woods Walk Joint Venture, by George Gentile, agent, for a Development Order Amendment (DOA) to Add building square footage (+6,340) for General Repair and Maintenance use (requested use) 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 23, 1997, 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 Marcus and, upon being put to a vote, the vote was as follows:

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	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 October 23, 1997.

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

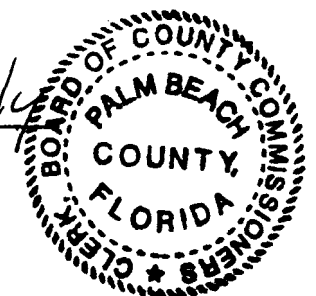


EXHIBIT A
LEGAL DESCRIPTION

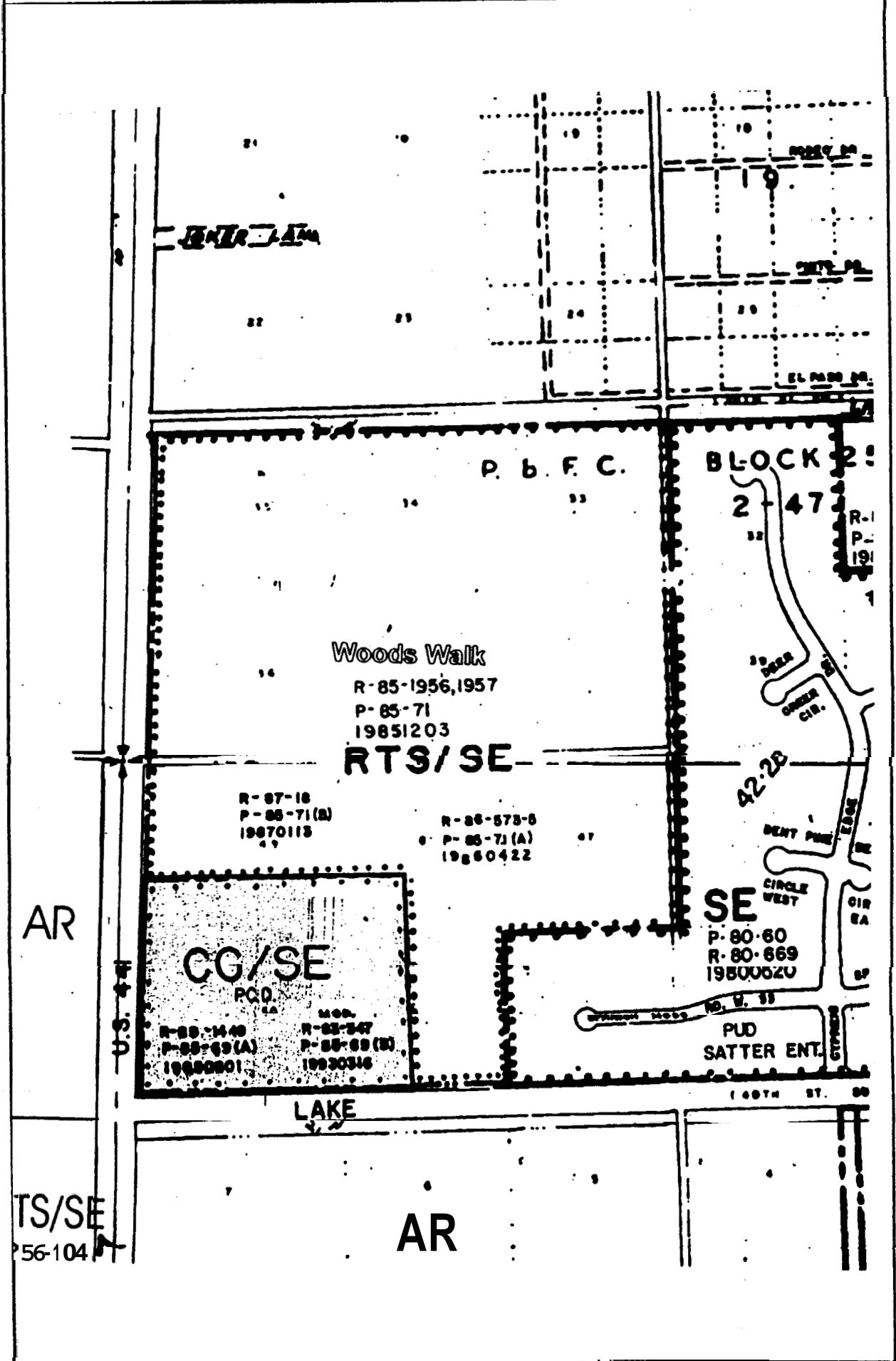
DESCRIPTION

PARCEL 2, WOODS WALK PLAZA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT 800K 79, PAGES 10 THROUGH 12 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

- NOTES 1.) THE BEARINGS SHOWN HEREON ARE REFERENCED TO A BEARING OF S. 89° 59' 00" W. ALONG THE NORTH RIGHT OF WAY LINE OF LAKE WORTH ROAD AS SHOWN ON THE PLAT OF WOODS WALK PLAZA.
- 2.) THE PROPERTY SURVEYED AND DESCRIBED HEREON IS SUBJECT TO THE FOLLOWING:
- A. EASEMENT AGREEMENT PER O. R. B. 6543, PAGE 955 CORRECTED IN O. R. B. 6721, PAGE 1228.
 - B. EASEMENT AND CONDITIONS SPECIFIED IN O. R. B. 6605, PAGE 1248.
 - C. CROSS-PARKING AND EASEMENT AGREEMENT PER O. R. B. 6676, PAGE 142.
 - D. CROSS-PARKING AND EASEMENT AGREEMENT PER O. R. B. 6543, PAGE 986, CORRECTED IN O. R. B. 6721, PAGE 1220.
 - E. DECLARATION OF COVENANTS AND RESTRICTIONS FOR WOODS WALK RECORDED IN O.R.B. 5458, PAGE 1169.
- 3.) THIS SURVEY WAS PREPARED WITH BENEFIT OF FIRST AMERICAN TITLE INSURANCE COMPANY OWNERS TITLE POLICY No. FA-2-330490 AS UPDATED BY ATTORNEY'S TITLE INSURANCE FUND, INC. TITLE SEARCH REPORT OF YAY 1, 1995. EASEMENTS LISTED AS EXCEPTIONS IN THE POLICY AND REPORT WHICH ARE SITUATED ON THE PROPERTY ARE SHOWN HEREON.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition Number: 85-69 C
 Zoning Quad Page _____
 Date: May 21, 1997



EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of **approval and** time frames as contained in Resolutions R-85-1239, R-85-1240 (Petition **85-69**) , R-89-1449, (Petition **85-69A**) and R-93-347, R-87-18 (Petition **85-69B**) remain **in full effect**. The conditions listed below **apply only** to **Outparcel C designated on the overall site plan (Woods Walk Plaza)** dated July 24, 1997.

A. ALL PETITIONS

1. Development of the site is limited to **the uses** and site design as approved **by the Board of County Commissioners**. The approved overall site plan and detailed site plan are **dated July 24, 1997**. 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)

B. BUILDING AND SITE DESIGN

1. Total gross **floor** area **shall be** limited to a maximum of 6,340 square feet. (DRC: ZONING)
2. The minimum **setback for all structures** adjacent to the south **property** line shall **be** fifty (50) feet. (DRC: ZONING)
3. The maximum **height** for **all structures**, measured from finished grade to highest point, shall **not exceed** twenty five (25) feet. (BLDG PERMIT: **BLDG - Zoning**)
4. Bay doors **shall not be permitted on the south**, east and west facades of the Phase 1 (south) **building**. (BLDG. PERMIT: **BLDG - Zoning**)
5. Bay doors **shall not be permitted on the east and west** facades of the Phase 2 (north) building. (BLDG PERMIT: **BLDG - Zoning**)
6. 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. (BLDG PERMIT: **BLDG - Zoning**)
7. Vehicles **shall not be** tested off-site **on** residential streets. (ONGOING: **CODE ENF**)
8. There shall **be no outdoor** repair **or** storage of vehicles or **parts** on site. (ONGOING: **CODE ENF**)
9. The proposed **buildings shall be designed and** constructed to **be** consistent with **the** facade **elevations** by **Stergas & Associates** dated August 14, 1997. (BLDG PERMIT: **BLDG - Zoning**)

C. DUMPSTER

1. All areas or **receptacles** for the **storage** and disposal of **trash, garbage, recyclable material or vegetation**, such as **dumpsters and trash compactors** shall **be** confined to **the areas** designated on **the** site plan. (DRC / ONGOING: **ZONING / CODE ENF**)

D. 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 the ~~agency for~~ **sewage works are constructed and used by project tenants or owners** generating ~~such~~ effluent. (ONGOING: HEALTH/CODE ENF)
2. The owner, **occupant** or tenant of the facility shall participate in ~~an~~ **oil recycling program which ensures** proper re-use or disposal of any waste oil. (ONGOING: HEALTH/CODE ENF)
3. Any toxic or ~~hazardous~~ waste which may be generated at this site shall be handled ~~and disposed of in~~ accordance with Rule 62-730FAC. (ONGOING: HEALTH/CODE ENF)

E. ENGINEERING

1. **LANDSCAPE WITHIN MEDIAN OF STATE ROADS**

- 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 **landscape the adjacent median of Lake Worth Road**. This permit, ~~to be completed by the~~ property owner, shall name Palm Beach County as the applicant. **When** landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a **minimum, consist of the "Low Cost Planting Concept"** outlined in ~~the~~ **Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards**. The property owner shall also be responsible to supplement any existing landscape material **previously** planted in this median and all *new* landscape material 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's 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 prior to the issuance of a certificate of occupancy. (CO:MONITORING - Eng)
- C. **Declaration** of Covenants and Restriction Documents shall **be established** or amended as required and shall be approved and **recorded** prior to the issuance of a certificate of occupancy. (CO:MONITORING - Eng)

F. LANDSCAPING - STANDARD

1. All canopy 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.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: **twelve (12)** feet clear trunk or grey wood, whichever is greater;
 - b. Clusters: **staggered heights twelve (12) to eighteen (18)** feet; and
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)

2. Foundation planter strips shall be provided along the facades of all buildings. The minimum width of the required foundation planter strip shall be five (5) feet. The combined length of the required foundation planter strip shall be no less than 40% of the accumulative length of the applicable side of the structure. All required foundation planter strips shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

H. LANDSCAPING ALONG NORTH PROPERTY LINE

1. Landscaping and buffering along the north property line shall include:
 - a. A minimum five (5) foot wide Landscape buffer strip; and
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and
 - 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 thirty-six (36) inches. (CO: LANDSCAPE)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING LAKE WORTH ROAD)

1. Landscaping and buffering along the south property line shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;

- c. **one (1) palm** for **each twenty-five (25)** linear feet of property line with a **maximum** spacing of sixty (60) feet **on center** between clusters. A group **of three (3)** palms shall not **be** substituted for a **perimeter canopy tree**; and
- 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 **thirty-six (36) inches** (CO: LANDSCAPE)

J. LANDSCAPING ALONG EAST PROPERTY LINE

- 1. Landscaping **and buffering along the east property line** shall include:
 - a. **a minimum ten (10) foot wide landscape buffer strip**;
 - b. **One (1) canopy tree** planted every thirty (30) feet **on center**;
 - c. **one (1) palm** for **each twenty-five (25)** linear feet of property line with a **maximum spacing of sixty (60) feet on center** between clusters. A **group of three (3)** palms shall not **be** substituted for a **perimeter canopy tree**; and
 - 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 **thirty-six (36) inches**. (CO: LANDSCAPE)

K LANDSCAPING ALONG WEST PROPERTY LINE

- 1. Landscaping and buffering along the west property line shall **be upgraded to include**:
 - a. **A minimum five (5) foot wide landscape buffer strip** along the northern **80 feet of the west property line**; and
 - b. **A minimum twenty (20) foot wide landscape buffer strip** along the southern **110 feet of the west property line**; and
 - c. **One (1) canopy tree** planted every thirty (30) feet **on center**;
 - d. **One (1) palm or pine tree** for **each twenty five (25)** linear feet, with a **maximum spacing of sixty (60) feet on center**; and
 - e. **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 **thirty-six (36) inches**. (CO: LANDSCAPE)

L. 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)
- 3. **All outdoor lighting** shall **be** extinguished no later than 9:00 p.m., excluding **security lighting** only. (ONGOING: CODE ENF)

M. SIGNS

- 1. **Freestanding sign** fronting **on Lake Worth Road** shall be limited as follows:
 - a. **Maximum sign height, measured from finished grade to highest point - ten (10) feet**;
 - b. **Maximum sign face area per side - one hundred (100) square feet**;

- c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
2. Wall signs shall be limited to the south facade of the (south) Phase 1 building and north facade of the (north) Phase 2 building. (CO: BLDG)

N. HOURS OF OPERATION

1. No business activities shall commence (including deliveries and stocking operations) prior to 7:00 a.m. nor continue activities later than 9:00 p.m. daily (ONGOING: CODE ENF).

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 noncompliance, 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)