

RESOLUTION NO. R-99- 323

RESOLUTION APPROVING ZONING PETITION DOA81-170(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF RCS BOCA GROVE, INC.
BY DENNIS KOHLER, ESQ., AGENT
(GROVE CENTER)

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 DOA81-170(A) was presented to the Board of County Commissioners at a public hearing conducted on February 25, 1999; 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.

- a. 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 COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA81-170(A), the petition of RCS Boca Grove, Inc., by Dennis Kohler, Esq., agent, for a Development Order Amendment to add buildings square footage and reconfigure the site plan 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 February 25, 1999, 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 Masilotti and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on February 25, 1999.

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

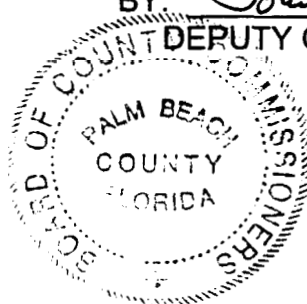


EXHIBIT A

LEGAL DESCRIPTION

A parcel of land lying in Section 22, Township 47 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of Section 22, Township 47 South, Range 42 East; thence South \emptyset 10' 25" West, 1358.00 feet along the West line of Section 22 to the Point to Beginning of the herein described parcel; thence continue South 00° 10' 25" West, 598.00 feet; thence South 89° 49' 35" East, 15.05 feet to a tangent curve concave Southerly, having a central angle of 18° 49' 24" and a radius of 331.64 feet; thence 108.95 feet Easterly along the arc of said curve to a tangent line; thence South 71° 00' 11" East, 2.54 feet along said tangent line; thence North 63° 57' 10" East, 35.38 feet to a non-tangent curve, being concave Easterly, having a central angle of 00° 05' 19", a radius of 2271.64 feet and a tangent bearing of North 18° 54' 30" East; thence Northeasterly 3.51 feet along the arc of said curve to a tangent line; thence North 18° 59' 49" East, 17.45 feet to a tangent curve concave Easterly having a central angle of 11° 06' 53" and radius of 1946.47 feet; thence Northeasterly 377.59 feet along the arc of said curve to a tangent line; thence North 30° 06' 42" East, 72.18 feet along said line to a tangent curve concave Easterly, having a central angle of 00° 08' 09" and a radius of 2313.38 feet; thence Northerly 5.49 feet along the arc of said curve to a non-tangent line; thence North 13° 57' 22" West, 34.86 feet along said line; thence North 58° 09' 36" West, 173.95 feet to a tangent curve concave to the South, having a central angle of 32° 12' 39" and radius of 306.54 feet; thence Westerly along the arc of said curve 172.33 feet to a tangent line; thence South 89° 37' 44" West, 36.95 feet, along said line to the Point of Beginning.

Approximately 3.46 acres, more or less.

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. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-81-1377 (Petition 80-170) 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. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated February 18, 1999. 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)
3. Condition 5 of Resolution 81-1377, Petition 81-170 which currently states:

The Site Plan shall be amended to reflect loading bay dimensions and utility easement releases for landscaping and paving in easements.

~~Is~~ hereby deleted. [Reason: completed].
4. **A 6 ft. wall is required along the residentially designated area to the west.** (Previous Condition 6 of Resolution 81-1377, Petition 81-170)

B. BUILDING AND SITE DESIGN

1. Total gross floor area of the site shall be limited to 56,900 square feet. The proposed one story building shall be limited to a maximum gross floor area of 4,800 square feet. Expansion of the building floor area shall be subject to the approval of the BCC. (DRC/ONGOING/BUILDING - Zoning)
2. The maximum height for the proposed one story building, measured from finished grade to highest point, shall not exceed thirty five (35) feet. (BLDG PERMIT: BLDG - Zoning).

C. 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; and,
 - 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, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eight teen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING - INTERIOR (AFFECTED AREA ONLY)

1. One landscape island with curb 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 plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE.)

E. ENGINEERING

1. **Petitioner shall only be permitted one turnout onto Sunstream Boulevard a minimum distance of 300' west of Jog /Powerline Road.** (Previous Condition 1 of Resolution 81-1377, Petition 81-170).
 Maybe deleted. [Reason: site plan now indicates only 1 access].
2. **Petitioner shall provide paved access on Sunstream Boulevard from Jog/Powerline Road to the project's entrance road prior to the issuance of a Certificate of Occupancy.** (Previous Condition 2 of Resolution 81-1377, Petition 81-170). [Completed].
3. Condition 3 of Resolution 81-1377, Petition 81-170 which currently states:
Petitioner shall not be permitted a median opening on Jog/Powerline Road.
 Maybe deleted. [Reason: median opening on to Powerline Road is under jurisdiction of State DOT].
4. **Petitioner shall contribute Thirteen Thousand One Hundred Dollars (\$13,100.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit.** (Previous Condition 4 of Resolution 81-1377, Petition 81-170).
 Maybe deleted. [Reason: impact fees are code requirement].

5. 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 Powerline Road Right-of-Way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. 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 owner's expense. All existing 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 evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG.PERMIT: MONITORING - Eng)

6. a. Property owner shall close its existing access driveway on Boca Grove Boulevard adjacent to the guard house and relocate it to align with a new median opening located approximately 213 feet west of Powerline Road as shown on the site plan dated February 18, 1999 and subject to the approval of County Engineer. Permits required for this reconstruction shall be obtained prior to the issuance of the next building permit. (BLDG. PERMIT: MONITORING - Eng)
- b. Construction shall be completed prior to the next Certificate of Occupancy. (CO: MONITORING - Eng)

F. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy Security Code 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 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

G. SIGNS

1. Freestanding sign fronting on Powerline Road shall be limited as **follows**:
 - a. Maximum sign height, measured from finished grade to highest point - four **(4)** feet;
 - b. Maximum sign face area per side - 28 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF ZONING)

H. USE LIMITATIONS

1. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading spaces indicated on the site plan dated October 30, 1998. (ONGOING: CODE ENF)
2. A total of 266 parking spaces shall be provided for the overall site. (ONGOING: CODE ENF)
3. Cocktail lounge and restaurant uses shall not be permitted on the overall site. (ONGOING: CODE ENF)

I. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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.

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)