

RESOLUTION NO. R-2005- 1420

RESOLUTION APPROVING ZONING APPLICATION W2005-500
(CONTROL NO. 2005-121)
DEVIATIONS FROM THE REQUIREMENTS OF THE ARCHITECTURAL DESIGN
STANDARDS FOR A UNIQUE STRUCTURE WITHIN ARTICLE 5.C OF THE ULDC
PETITION OF SOUTH FLORIDA SCIENCE MUSEUM
(DEKELBOUM SCIENCE CENTER)
BY URBAN DESIGN STUDIO AND E. VERNER JOHNSON & ASSOCIATES, AGENT
SOUTH FLORIDA SCIENCE MUSEUM
(DEKELBOUM SCIENCE 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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) is authorized and empowered to consider, approve, approve with conditions or deny a request for deviations from the requirements of the Architectural Design Standards; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application W2005-0500 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 2005; 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, the Board of County Commissioners made the following findings of fact:

1. This request for Deviations from the requirements of the Architectural Design Standards for a non-residential structure complies with the intent of Article 5.C. of the ULDC.
2. This request for Deviations from the requirements of the Architectural Design Standards for a non-residential structure will be consistent with the purposes, goals and objectives, and policies of the Plan, including standards for building and structural intensities and densities.
3. This request for Deviations from the requirements of the Architectural Design Standards for a non-residential structure complies with all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function and general development characteristics.
4. This request for Deviations from the requirements of the Architectural Design Standards for a non-residential structure will be generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This request for Deviations from the requirements of the Architectural Design Standards for a non-residential structure will minimize environmental impacts, including by not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

6. The petitioner has demonstrated that there are circumstances that warrant deviations from Architectural Design Standards.

WHEREAS, Article 2 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 Deviation Request D2005-0500, the petition of South Florida Science Museum, by Urban Design Studio and E. Verner Johnson and Associates, agents, for deviations from the requirements of the Architectural Design Standards for a non-residential structure in the Public Ownership (PO) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 28, 2005, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner MARCUS moved for the approval of the Resolution.

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

Tony Masilotti, Chairman	- AYE
Addie L. Greene, Vice Chair	- AYE
Karen T. Marcus	- AYE
Jeff Koons	- ABSENT
Warren H. Newell	- AYE
Mary McCarty	- ABSENT
Burt Aaronson	- ABSENT

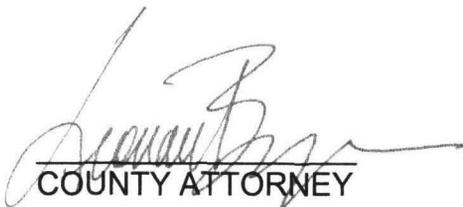
The Chair thereupon declared that the resolution was duly passed and adopted on July 28, 2005.

Filed with the Clerk of the Board of County Commissioners on 24TH day of AUGUST, 2005.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
COMMISSIONERS

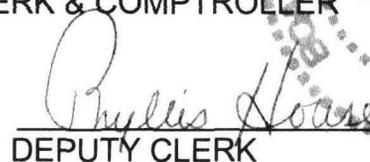
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY

BY:


COUNTY ATTORNEY

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


DEPUTY CLERK

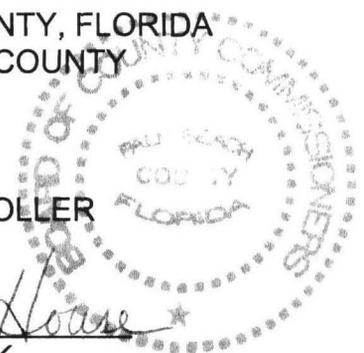


EXHIBIT A

LEGAL DESCRIPTION

SOUTH FLORIDA SCIENCE MUSEUM

PARCEL "A":

A parcel of land, being a portion of Tract 4, Block 2, Section 6, **PLAT NO. 1, PALM BEACH PLANTATIONS**, as recorded in Plat Book 10, Page 20, Public Records of Palm Beach County, Florida, lying in Section 6, Township 44 South, Range 43 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 6, thence South 88° 47' 38" East along the North line of said Section 6 (the North line of said Section 6 is assumed to bear South 88° 47' 38" East and all other bearings are relative thereto) a distance of 483.58 feet, thence South 1° 36' 39" West a distance of 130.0 feet, to a point being on the Southerly existing right of way line for the West Palm Beach Canal (C-51) and the **POINT OF BEGINNING** of the hereinafter described parcel; thence continue South 1° 36' 39" West a distance of 1161.49 feet, to a point being on the Northerly right of way line of Gun Club Road per Palm Beach County Engineering Departments drawing S-1-90-102, thence North 85° 13' 19" West a distance of 161.80 feet to a point being 51.0 feet North of (as measured at right angles to) and parallel with the centerline of Gun Club Road; thence North 88° 43' 19" West *along said parallel line* a distance of 200.0 feet to a point; thence North 43° 35' 49" West a distance of 56.70 feet to a point being on the Easterly right of way line of Kirk Road per Palm Beach County Road right of way map project no. 88564, said East right of way line being 80.0 feet East of (as measured at right angles to) and parallel with the West line of the Northwest Quarter of said Section 6; thence North 1° 31' 42" East along said parallel line a distance of 830.11 feet to a point; thence North 2° 40' 27" East a distance of 280.90 feet to a point being on the South right of way line of the West Palm Beach Canal (C-51) said South line being 130.0 feet South of (as measured at right angles to) and parallel with the North line of the Northwest Quarter of said Section 6; thence South 88° 47' 38" East along said parallel line a distance of 397.77 feet to the **POINT OF BEGINNING**.

Containing 10.622 acres more or less.

Together With

PARCEL "B":

A parcel of land, being a portion of Tract 4, Block 2, Section 6, **PLAT NO. 1, PALM BEACH PLANTATIONS**, as recorded in Plat Book 10, Page 20, Public Records of Palm Beach County, Florida, lying in Section 6, Township 44 South, Range 43 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 6, thence South 88° 47' 38" East along the North line of said Section 6 (the North line of said Section 6 is assumed to bear South 88° 47' 38" East and all other bearings are relative thereto) a distance of 517.58 feet; thence South 1° 36' 39" West a distance of 130.0 feet to a point being on the Southerly existing right of way line for the West Palm Beach Canal (C-51) and the **POINT OF BEGINNING** of the hereinafter described parcel; thence continue South 1° 36' 39" West along the West line of a 66 foot drainage easement per Palm Beach Engineering Department drawing 3-81-637B a distance of 1162.66 feet to a point being on the Northerly right of way line of Gun Club Road per Palm Beach County Engineering Department drawing S-1-90-102, said right of way being 80.0 feet in width;

thence North 88° 43' 19" West along said North right of way line a distance of 15.53 feet to a point; thence North 85° 13' 19" West a distance 18.50 feet to a point; thence North 1° 36' 39" East a distance of 1161.49 feet to a point being on the South right of way line of the West Palm Beach Canal (C-51) said South line being 130.0 feet South of (as measured at right angles to) and parallel with the North line of the Northwest Quarter of said Section 6; thence South 88° 47' 38" East along said parallel line a distance of 34.0 feet to the **POINT OF BEGINNING**.

Containing 0.907 acres more or less.

LESS and **EXCEPT** the following tract of land:

LESS and **EXCEPT** the following tract which is subject to a maintenance easement between Palm Beach County and the South Florida Water Management District

A portion of Tract 4, Block 2, Section 6, **PLAT NO. 1 PALM BEACH PLANTATIONS**, according to the plat thereof as recorded in Plat Book 10, Page 20 of the Public Records of Palm Beach County, Florida lying in Section 06, Township 44 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

COMMENCE at a found Palm Beach County brass disc in concrete marking the Southwest corner of the Northwest one-quarter (N.W. 1/4) of said Section 06; thence North 01° 31' 46" East along the West line of the Northwest one-quarter (NW 1/4) of said Section 06, a distance of 2534.36 feet; thence South 88° 47' 36" East, a distance of 85.62 feet to a point on the Easterly existing right of way line for Kirk Road, Palm Beach County Project No. 88564, and the **POINT OF BEGINNING**; thence continue South 88° 47' 36" East along the Southerly existing right of way line for the West Palm Beach Canal (C-51), a distance of 111.90 feet; thence South 02° 01' 09" West, a distance of 11.90 feet; thence South 78° 45' 43" West, a distance of 115.38 feet to a point on the Easterly existing right of way line for Kirk Road; thence North 02° 40' 32" East along the Easterly existing right of way line for said Kirk Road, a distance of 36.77 feet to the **POINT OF BEGINNING**.

Containing 2725 square feet (0.063 acres), more or less.

Containing in all 11.466 total acres, more or less.

EXHIBIT B
VICINITY SKETCH

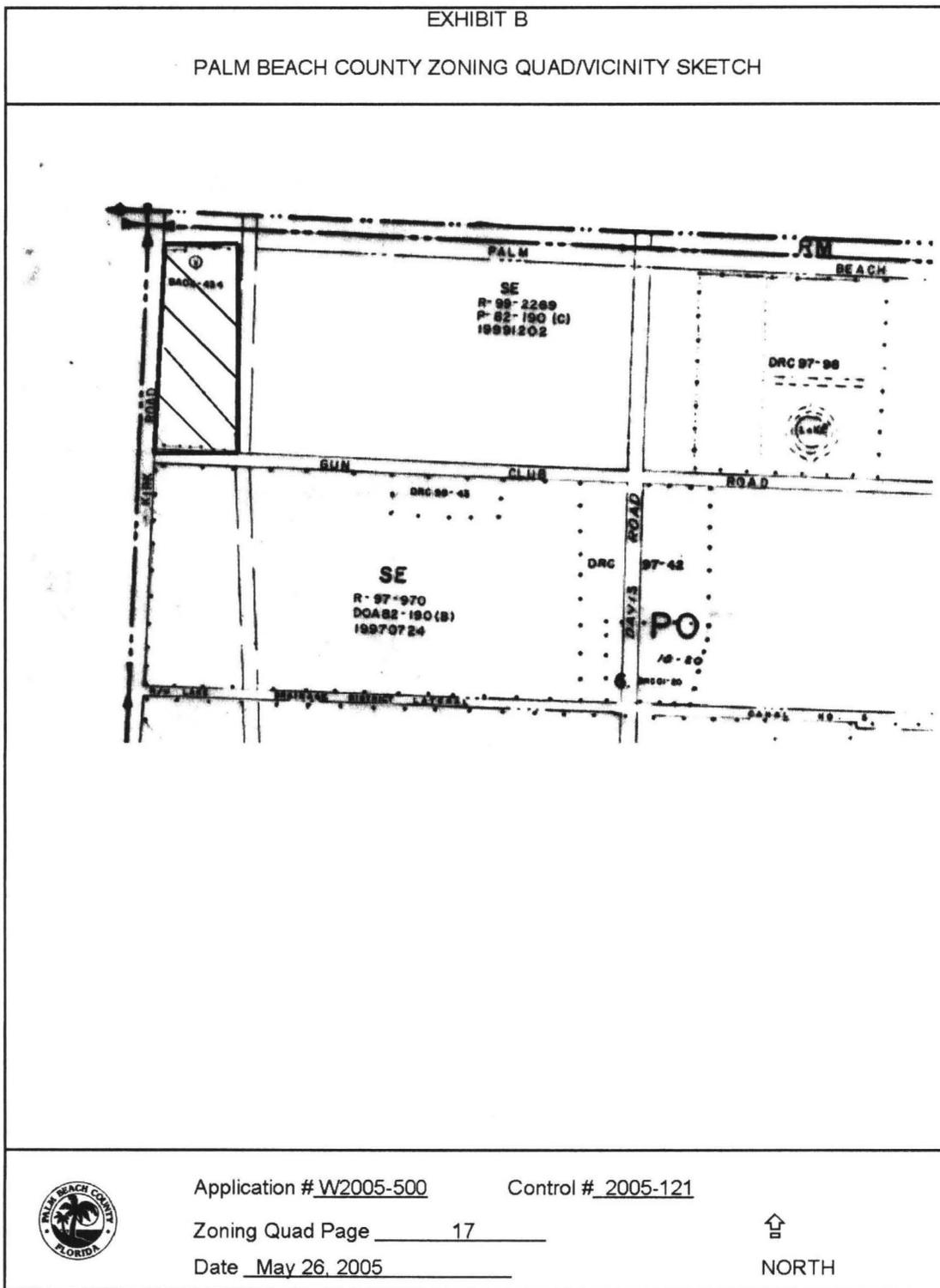


EXHIBIT C

CONDITIONS OF APPROVAL

Note: All conditions have been presented to the BCC at the June 15th, 2005 hearing, however it was not adopted due to the reconsideration request that will be heard on July 28, 2005.

ZONING BUILDING AND SITE DESIGN

1. All buildings shall be setback a minimum of fifty-five (55) feet from the property line abutting Kirk Road. (DRO/BLDG PERMIT: ZONING-Zoning)
2. The proposed building shall be designed and constructed to be consistent with the facade elevations by E. Verner Johnson and Associates dated April 29, 2005. Deviations from these elevations may be permitted to comply with applicable architectural conditions of approval and shall be submitted for review and approval prior to final site plan approval. (DRO/BLDG PERMIT: BLDG - Zoning)

AIRPORTS BUILDING AND SITE DESIGN

1. Upon written notification by either the FAA or the Department of Airports, the proponent of this structure shall take whatever action is required to mitigate possible reflection/glare or any adverse effects to Air Navigation. Possible methods of mitigation may include applying a glare-free finish, applying a non-glare etching, paint, etc. (ONGOING: AIRPORT-ZONING)

ZONING LANDSCAPING - GENERAL

1. Prior to issuance of a building permit, an Alternative Landscape Plan (ALP) shall be submitted to the Landscape Section for review and approval. All landscape plans shall be consistent and in compliance with all landscape conditions of approval. (BLDG PERMIT: ZONING-Landscape)
2. In addition to code requirements, the foundation plantings along the north and east facades shall be upgraded to include:
 - a. a minimum ten (10) foot wide foundation planting area for at least sixty (60) percent of each applicable façade;
 - b. landscape material utilized shall be at least eighty (80) percent native species;
 - c. the east façade foundation requirements listed above may be relocated as part of an ALP to the exterior side of the loading area screen wall. (BLDG PERMIT:ZONING-Landscape)

ZONING LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (FRONTAGES OF SOUTHERN BOULEVARD AND KIRK ROAD)

1. In addition to code requirements, the landscape buffer along the north and west property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. a minimum two (2) foot high continuous berm along Kirk Road only. The berm may be deleted for a portion of the western buffer adjacent to the Science Museum's west water feature;

- c. landscape material utilized shall be at least eighty (80) percent native species;
- d. one (1) canopy tree for each twenty (20) linear feet of property line, plus one (1) palm or pine for each for each twenty-five (25) linear feet of the property line with a maximum spacing of fifty (50) feet between palm/pine clusters;
- e. Fifty (50) percent of the canopy trees along the north property line shall be a minimum sixteen (16) feet in height at time of installation. (BLDG PERMIT: ZONING - Landscape)

ZONING LANDSCAPING ALONG THE EAST PROPERTY LINE FROM C-51 CANAL RIGHT-OF-WAY SOUTH 520 FEET TO THE PEDESTRIAN CROSSING TO LAKE LYTAL PARK

- 1. In addition to code requirements, the landscape buffer along that portion of the east property line (from C-51 canal right-of-way south 520 to the pedestrian crossing to Lake Lytal Park) shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. a minimum two (2) foot high continuous berm. The berm may be deleted for a portion of the eastern buffer east of the loading area screen wall;
 - c. landscape material utilized shall be at least eighty (80) percent native species;
 - d. one (1) canopy tree for each twenty (20) linear feet of property line, plus one (1) palm or pine for each for each twenty-five (25) linear feet of the property line with a maximum spacing of fifty (50) feet between palm/pine clusters;
 - e. the east façade foundation requirements may be relocated as part of an ALP to the exterior side of the loading area screen wall; and,
 - f. fifty (50) percent of the canopy trees along the eastern buffer east of the loading area screen wall shall be a minimum sixteen (16) feet in height at time of installation. (BLDG PERMIT: ZONING - Landscape)

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 Code Enforcement Special Master 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 Article 2.E 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 Court. (ONGOING: MONITORING - Zoning)