

RESOLUTION NO. R-2009-2083

**RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR-2001-00075-1
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR PROPERTY PREVIOUSLY REZONED TO PUBLIC OWNERSHIP BY
RESOLUTION NO. R-2002-0503
APPROVING THE APPLICATION OF U.S. POSTAL SERVICE
CONTROL NO. 2001-0075
APPLICATION NO. Z/COZ-2001-00075**

WHEREAS, the Board of County Commissioners (BCC), as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan; and

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

WHEREAS, pursuant to Article 2.E., Monitoring, a Status Report was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on 12/08/2009; and

WHEREAS, the Board of County Commissioners has reviewed Status Report and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. authorizes the Board of County Commissioners to approve Development Order Amendments; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. Conditions ENG.1, ENG.2 and ENG. 3 of Resolution R-2002-0503 are required prior to the opening of the post office;
2. Conditions ENG.1, ENG.2 and ENG. 3 of Resolution R-2002-0503 are not required by a certain date;
3. The Land Development Division recommends the following amendments to Conditions ENG.1, ENG.2 and ENG. 3 of Resolution R-2002-0503; and
4. This amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 the recommendation of Status Report No. 2001-075. , to approve a Development Order Amendment Resolution to amend conditions of approval, amending the development order previously granted by the approval of the application of U.S. Postal Service, Control # 2001-0075, confirmed by the adoption of Resolution R-2002-0503, which approved a Official Zoning Map Amendment from Agricultural Residential to Public Ownership with a Conditional Overlay Zone, on A PARCEL OF LAND LYING IN THAT PART OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD AND LYING EAST OF THE RIGHT-OF-WAY FOR COCONUT BOULEVARD; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH 86°53'58" WEST ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 1522.70 FEET FOR A POINT OF BEGINNING;

THENCE, CONTINUE SOUTH 86°53'58" WEST ALONG THE SAID SOUTH LINE, A

DISTANCE OF 1028.33 FEET TO THE INTERSECTION THEREOF WITH THE EAST RIGHT-OF-WAY LINE OF COCONUT BOULEVARD; THENCE NORTH 47°19'55" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 57.32 FEET; THENCE NORTH 01°33'46" WEST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 433.48 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 96.00 FEET; THENCE, NORTHEASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 24°09'10", A DISTANCE OF 40.47 FEET TO THE END OF SAID CURVE; THENCE, NORTH 39°13'08" EAST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 54.96 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 96.00 FEET AND WHOSE RADIUS POINT BEARS SOUTH 34°09'06" EAST; THENCE, NORTHEASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 31°03'03", A DISTANCE OF 52.03' TO THE POINT OF TANGENCY; SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID LAKE PARK WEST ROAD; THENCE NORTH 86°53'58" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 892.21 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 104.00 FEET AND WHOSE RADIUS POINT BEARS NORTH 84°48'28" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 81°42'26" , A DISTANCE OF 148.31' TO THE POINT OF TANGENCY; THENCE SOUTH 86°53'58" WEST, A DISTANCE OF 266.42 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°27'32", A DISTANCE OF 32.56 FEET TO THE END OF SAID CURVE; THENCE SOUTH 03°06'02" EAST, A DISTANCE OF 206.05 FEET; THENCE NORTH 86°53'58" EAST, A DISTANCE OF 431.85 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'14", A DISTANCE OF 54.86 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 03°17'48" EAST, A DISTANCE OF 226.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.25 ACRES MORE OR LESS, being located on the SE corner of Coconut Boulevard and Northlake Boulevard, is approved subject to the following conditions:

1. All previously approved conditions of approval continue to apply except as modified herein.
2. Previous Condition E1 of Resolution R-2002-503, Control No. 2001-075 which currently states: The property owner shall convey to Palm Beach County Land Development Division 50 feet of parkway easement adjacent to the additional Northlake Boulevard Right of Way. This landscape easement shall be conveyed prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng)

Is hereby amended to read:

The property owner shall convey to Palm Beach County Land Development Division 50 feet of parkway easement adjacent to the additional Northlake Boulevard Right of Way. This parkway easement shall be conveyed prior to the issuance of the Right of Way Connection Permit from Palm Beach County Land Development Division. (ROW PERMIT: ENGINEERING - Eng)

3. Previous Condition E2 of Resolution R-2002-503, Control No. 2001-075 which currently states: Prior to August 1,2003 the property owner shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (DATE: MONITORING - Eng)

Is hereby amended to read:

Prior to the issuance of the Right-of-Way Connection Permit from Palm Beach County Land Development Division, the property owner shall combine the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (ROW PERMIT: ENGINEERING - Eng)

4. Previous Condition E3 of Resolution R-2002-503, Control No. 2001-075 which currently states:
LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS

- a. Prior to December 1, 2003, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Northlake Boulevard Right-of-Ways. This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing 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 landscaping installation and maintenance requirements shall be subject to the standards as 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 landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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 Homeowner'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 June 1, 2004. (CO: MONITORING- Eng)
- c. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to December 1, 2003. (DATE: MONITORING-Eng)

Is hereby amended to read:

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Northlake Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) Program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development and installation of the landscaping and irrigation complete prior to issuance of the Right-of-Way Connection Permit from Palm Beach County Land Development Division. (ROW PERMIT: ENGINEERING-Eng)
- b. At property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: ENGINEERING-Eng)
- c. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation

and Sod, OTIS Program, unincorporated thoroughfare beautification program prior to issuance of the Right of Way Connection Permit from Palm Beach County Land Development Division. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Northlake Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ROW PERMIT: ENGINEERING - Eng)

The foregoing Resolution was offered by Commissioner Marcus who moved its adoption.

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

Commissioner Burt Aaronson, Chairman	<u> </u> Aye
Commissioner Karen T. Marcus, Vice-Chair	<u> </u> Aye
Commissioner John F. Koons	<u> </u> Absent
Commissioner Shelley Vana	<u> </u> Aye
Commissioner Steven L. Abrams	<u> </u> Aye
Commissioner Jess R. Santamaria	<u> </u> Aye
Commissioner Priscilla A. Taylor	<u> </u> Aye

The Chair thereupon declared the resolution duly passed and adopted on December 8, 2009.

Filed with the Clerk of the Board of County Commissioners on December 9, 2009

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK AND COMPTROLLER

By: [Signature]
County Attorney

By: [Signature]
Deputy Clerk

