

RESOLUTION NO. R-2011- 0007

RESOLUTION APPROVING ZONING APPLICATION DOA-2010-00143
(CONTROL NO. 2006-00520)
a Development Order Amendment
APPLICATION OF Boynton Hagen LLC - Ram Realty Assoc
BY Land Design South, Inc., AGENT
(Hagen Ranch/Boynton Beach MUPD)

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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application DOA-2010-00143 was presented to the Board of County Commissioners at a public hearing conducted on January 6, 2011; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant 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 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 the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

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 Zoning Application DOA-2010-00143, the petition of Boynton Hagen LLC - Ram Realty Assoc, by Land Design South, Inc., agent, for a Development Order Amendment to modify the site plan and add square footage in the Multiple Use Planned Development (MUPD) 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 January 6, 2011, 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 Vana and, upon being put to a vote, the vote was as follows:

Commissioner Karen T. Marcus, Chair	-	Aye
Commissioner Shelley Vana, Vice Chair	-	Aye
Commissioner Paulette Burdick	-	Absent
Commissioner Steven L. Abrams	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 6, 2011.

Filed with the Clerk of the Board of County Commissioners on January 11th, 2011.

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 & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

Parcel 'A', "PARADISE COMMONS HAGEN RANCH & BOYTON BEACH, M.U.P.D." as recorded in Plat Book 112, Page 144, of the Public Records of Palm Beach County, Florida.

Said lands situate in Palm Beach County, Florida, containing 158,014 square feet (3.6275 acres) more or less.

EXHIBIT B
VICINITY SKETCH



Hagen Ranch/Boynton Beach MUPD - DOA-2010-0143 - Quad Map
produced by: myGeoNav



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Previous All Petitions Condition 1 of Resolution R-2007-1886, Control No. 2006-520 which currently states:

Development of the site is limited to the site design and uses listed in this application approved by the Board of County Commissioners. The approved site plan is dated October 09, 2007. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

Is hereby amended to read:

The approved preliminary site plan is dated October 18, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Previous Architectural Review Condition 1 of Resolution R-2007-1886, Control No. 2006-520 which currently states:

At time of submittal for final DRO approval of the site plan, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Article 5.C. of the ULDC. Development shall be consistent with the approved DRO site plan and the architectural elevations presented at the 9/06/07 Zoning Commission meeting. (DRO: ARCH REVIEW - Zoning).

Is hereby amended to read:

At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

DRO-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 not be located within one hundred (100) feet of the north property line and shall be confined to the areas designated on the site plan. (DRO: ZONING - Zoning) (Previous Dumpster Condition 1 of Resolution R-2007-1886, Control No. 2006-520)

ENGINEERING

1. Previous Condition E.1 of Zoning Resolution R-2007-1886, Control No. 2006-520, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after January 1, 2010. A time extension for this condition may be approved by the County Engineer 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

Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a.No Building Permits for the site may be issued after December 31, 2014. A time extension for this condition may be approved by the County Engineer 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 Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2.Prior to the issuance of a building permit, the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Boynton Beach Boulevard at the project's entrance road. This right of way shall be a minimum of 150 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as 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. The Property Owner shall not record these required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.2 of Zoning Resolution R-2007-1886, Control No. 2006-520) [Note: COMPLETED]

3.Previous Condition E.3 of Zoning Resolution R-2007-1886, Control No. 2006-520, which currently states:

Property owner shall construct:

- a. on Boynton Beach Boulevard at this Project's shared entrance road a right turn lane east approach. Permits required for this improvements shall be obtained by the Florida Department of Transportation.
- b. concrete traffic separator on Hagen Ranch Road from Boynton Beach Boulevard to a point 100 feet north of the projects entrance onto Hagen Ranch Road. Permits required for this Improvement shall be obtained by Palm Beach County.
- c. 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. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
- d. all permits shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
- e. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Is hereby amended to read:

The Property owner shall construct:

- i. A right turn lane east approach on Boynton Beach Boulevard at this Project's shared entrance road, and
- ii. A concrete traffic separator on Hagen Ranch Road from Boynton Beach Boulevard to a point 100 feet north of the projects entrance onto Hagen Ranch Road.

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. These costs shall include, but are not limited to, utility relocations and acquisition of

any additional required right-of-way.

a. All necessary permits (from FDOT and PBC) shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)

b. Construction of these improvements shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

LANDSCAPE - GENERAL

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 1 of Resolution R-2007-1886, Control No. 2006-520)

2. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 2 of Resolution R-2007-1886, Control No. 2006-520)

3. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:

- a. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- b. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 3 of Resolution R-2007-1886, Control No. 2006-520)

4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 4 of Resolution R-2007-1886, Control No. 2006-520)

5. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to show a divider median between one drive thru lane of Bank Buildings 1 and 3, and as follows:

- a. a minimum width of five (5) feet, excluding curb;
- b. a minimum length of thirty-five (35) feet;
- c. Each end of the median shall have a minimum five (5) feet by five (5) feet of planting area extended beyond the boundary of the overhead canopy;
- d. one (1) palm tree with a minimum ten (10) feet of greywood and appropriate ground cover shall be installed in each planting area; and,
- e. the remaining portion of the median shall be paved with decorative paving such as precast concrete pavers, stamped concrete or any other materials acceptable to the Landscape Section. (DRO: LANDSCAPE - Zoning) (Previous Landscape Condition 5 of Resolution R-2007-1886, Control No. 2006-520)

LANDSCAPE - GENERAL-LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

6. In addition to the code requirements, landscaping buffer width along the north property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- and,
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 6 of Resolution R-2007-1886, Control No. 2006-520)

LANDSCAPE - GENERAL-LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF BOYNTON BEACH BOULEVARD)

7. Landscaping and buffering along the south property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet;
- c. one (1) native canopy tree (Live Oak) for each twenty-five (25) linear feet of the property line;
- d. one (1) palm (Royal Palm) tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. Ixora 'Nora Grant' shall be planted in a bed at the base of each Royal Palm; and,
- e. shrub planting shall comply to ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 7 of Resolution R-2007-1886, Control No. 2006-520)

LANDSCAPE - GENERAL-LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF HAGEN RANCH ROAD)

8. In addition to the code requirements landscaping and buffer width along the east property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum one (1) to three (3) foot high undulating berm with an average height of two (2) feet;
- c. one native canopy tree planted with a maximum spacing of fifteen (15) feet on center; and,
- d. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 8 of Resolution R-2007-1886, Control No. 2006-520)

PALM TRAN

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran) (Previous Condition Palm Tran 1 of Resolution No. R-2007-1886, Control No. 2006-520)

2. Prior to issuance of first building permit, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT/BLDG PERMIT: ENG-Monitoring) (Previous Condition Palm Tran 2 of Resolution No. R-2007-1886, Control No. 2006-520)

PLANNING

1. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall record cross access easement(s) from the subject property to the parcel to west for any approved cross access connections in a form acceptable to the County Attorney. The timing for recordation of the cross access easements may be adjusted subject to approval by the Planning Division. (DRO: COUNTY ATTY - Planning) (Previous Condition Planning 1 of Resolution 2007-1886, Control No. 2006-520) [NOTE: COMPLETED]

2. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be revised to indicate a vehicular and pedestrian cross access connection to the property to the west at the northwest portion of the site. A pedestrian connection shall be included that shall connect to the pedestrian circulation system within the site. The cross access connection shall align with the existing pedestrian and vehicular cross access connection on the adjacent property to the west. A notation shall be placed on the site plan

at that location that shall read "proposed vehicular and pedestrian cross access to be paved to the property line." (DRO: PLANNING - Planning) (Previous Condition Planning 2 of Resolution 2007-1886, Control No. 2006-520)

3. Prior to the issuance of the certificate of occupancy or certificate of completion, whichever shall occur first, the property owner shall construct any cross access points, indicated on the site plan, to the edge of the western property line. (CO: MONITORING/PLANNING - Planning) (Previous Condition Planning 3 of Resolution 2007-1886, Control No. 2006-520)

4. Prior to final site plan approval by the Development Review Officer (DRO), a notation shall be placed on the site plan at the southwest cross access location that shall read "proposed vehicular and pedestrian cross access to be paved to the property line." The cross access connection shall align with the existing pedestrian and vehicular cross access connection on the adjacent property to the west. (DRO: PLANNING - Planning) (Previous Condition Planning 4 of Resolution 2007-1886, Control No. 2006-520)

5. Development of the subject site shall comply with the Boynton Beach Turnpike Interchange Design Guidelines and Standards for Future Development dated November 12, 1996 (DRO: PLANNING - Planning)

SIGNS

1. Freestanding signs on Hagen Ranch Road and Boynton Beach Boulevard shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point eight (8) feet;
- b. maximum sign face area per side - one hundred (100) square feet;
- c. maximum number of signs per frontage - one (1); and,
- d. signage to be architecturally consistent with the buildings and existing signage on the adjacent parcel to the west. (BLDG PERMIT: BLDG - Zoning) (Previous Sign Condition 1 of Resolution R-2007-1886, Control No. 2006-520)

2. No advertising window signage shall be permitted. (BLDG PERMIT: BLDG - Zoning) (Previous Sign Condition 2 of Resolution R-2007-1886, Control No. 2006-520)

USE LIMITATIONS

1. Retail business activity shall not be allowed on the property, including deliveries, prior to 7:00 a.m. nor continue later than 9:00 p.m. Monday through Saturday and 8:00 a.m. to 6:00 p.m. Sunday. (ONGOING: CODE ENF - Zoning) (Previous Use Limitation Condition 1 of Resolution R-2007-1886, Control No. 2006-520)

2. Total gross floor area of Building 2 shall be limited to a maximum of twelve thousand (12,000) square feet for medical or dental offices or a combination allowing a minimum six thousand (6,000) square feet for medical or dental offices and a maximum of six thousand (6,000) square feet for personal services, (excluding massage parlors, tanning salons and laundry services), printing and copying services, professional or governmental offices. (ONGOING: ZONING - Zoning) Previous Use Limitation Condition 2 of Resolution R-2008-0270, Control No. 2006-520)

3. The total gross floor area of Building 1 shall be limited to a maximum of 8,000 square feet. (ONGOING: ZONING - Zoning)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer/property owner shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD - PBCWUD) (Previous Utilities Condition 1 of Resolution R-2008-0270, Control 2006-520)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral

and written representations of the property owner/applicant 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 (CO); 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 Unified Land Development Code (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 the 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 Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)