

RESOLUTION NO. R-2012- 0783

RESOLUTION APPROVING ZONING APPLICATION EAC-2011-03173
(CONTROL NO. 2002-00064)
an Expedited Application Consideration
APPLICATION OF Boys & Girls Clubs of PBC Inc
BY Johnston Group Land Development Consultants, Inc., AGENT
(Boys and Girls Club Haverhill)

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 EAC-2011-03173 was presented to the Board of County Commissioners at a public hearing conducted on May 24, 2012; 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 an Expedited Application Consideration.

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 EAC-2011-03173, the petition of Boys & Girls Clubs of PBC Inc, by Johnston Group Land Development Consultants, Inc., agent, for an Expedited Application Consideration to modify a Condition of Approval (Landscaping) in the RS 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 May 24, 2012, 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 Taylor and, upon being put to a vote, the vote was as follows:

Commissioner Shelley Vana, Chair	-	Aye
Commissioner Steven L. Abrams, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Paulette Burdick	-	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 May 24, 2012.

Filed with the Clerk of the Board of County Commissioners on June 14th 2012.

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

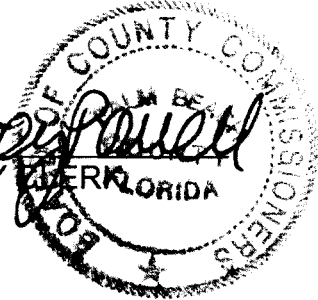


EXHIBIT A
LEGAL DESCRIPTION

ALL OF "BOYS AND GIRLS CLUB-HAVERHILL", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 113, PAGES 87 THROUGH 89, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

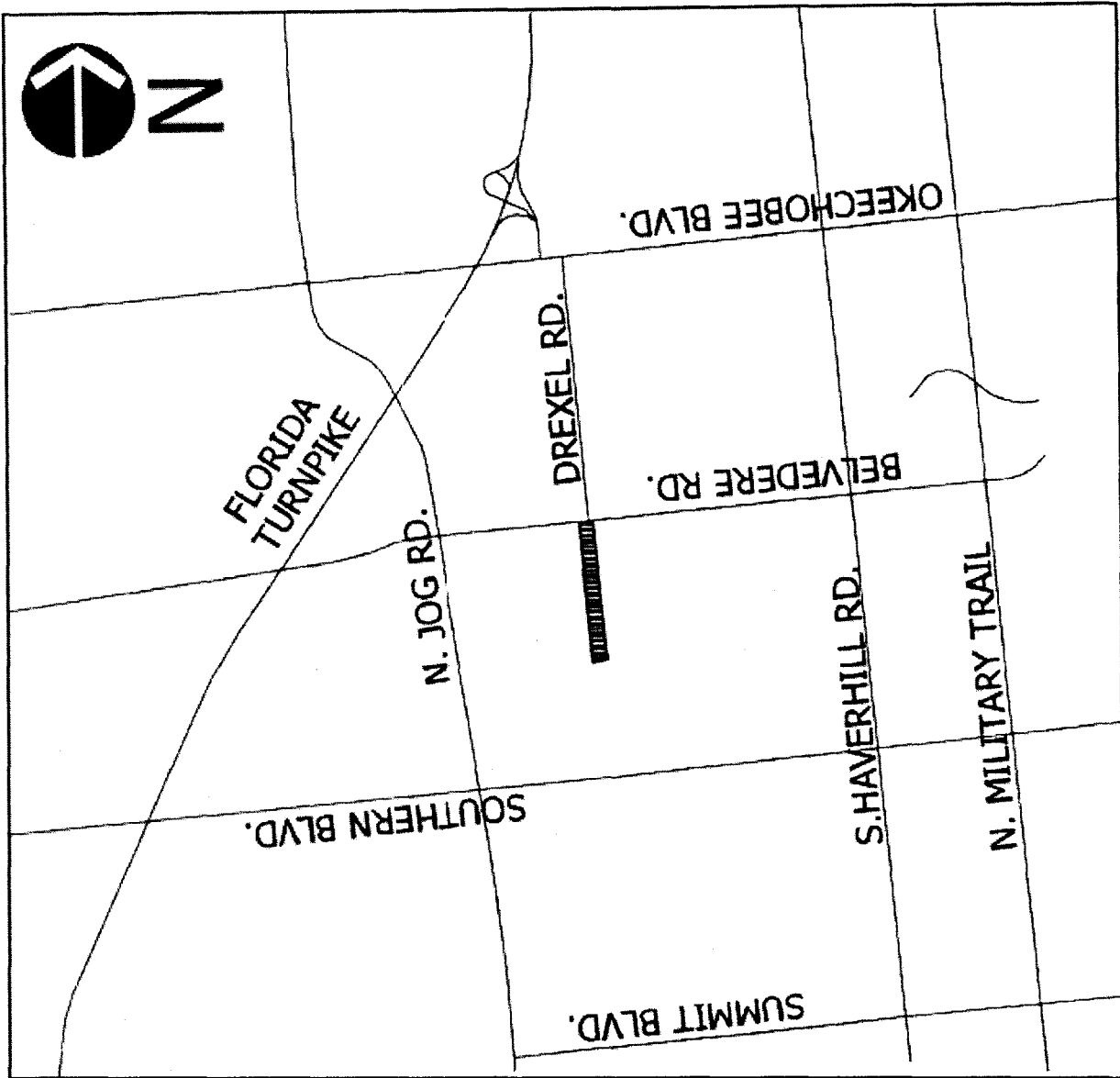


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval contained in Resolution R-2003-0936 (Control 2002-064), are hereby revoked. (Previously Condition A.1 of Resolution R-2009-0492, Control 2002-064) (ONGOING: MONITORING - Zoning)

2. Condition All Petitions 2 of Resolution R-2009-0429 Control No. 2002-00064, which currently states:

Development of the site is based on the site design as approved by the Board of County Commissioners. The certified site plan is dated January 14, 2009. 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: MONITORING - Zoning)

Is hereby amended to read:

The approved Preliminary Site and Regulating Plan are dated February 08, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the assembly nonprofit institutional building 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. (Previous Architectural Review condition 1 of Resolution R-2009-0492, Control No. 2002-064) (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. Overflow parking for special events shall be provided at an offsite location by the property owner. No overflow parking shall be permitted within Flatrock Road right of way or within the neighborhood to the east. (ONGOING: ENGINEERING-Eng) (Previous condition E1 of Resolution R-2009-0492, Control No. 2002-064)

2. The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for a total of 55 feet of right of way from centerline of Belvedere Road prior to the issuance of the first building permit. Due to the location of the existing LWDD canal easement, the additional right of way required as part of the 55 feet from the centerline may be provided on the south side of the canal easement and shall be conveyed along the entire project's entire frontage. Right of way shall be free and clear of all encumbrances and encroachments. 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. Dedication shall include where appropriate as determined by the County Engineer additional right of way for corner clips. (BLDG PERMIT: MONITORING-Eng) (Previous condition E2 of Resolution R-2009-0492, Control No. 2002-064) [Note: COMPLETED]

3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a. No building permits for the site shall be issued after December 31, 2012. A time

Eng) (Previous condition E9 of Resolution R-2009-0492, Control No. 2002-064) [Note: COMPLETED]

10. Prior to final DRO approval, the Boys and Girls Club shall confirm the point of legal positive outfall and obtain and record proper drainage easements to allow for drainage from project site to connect to point of legal positive outfall, if necessary. (DRO:ENGINEERING-Eng) (Previous condition E10 of Resolution R-2009-0492, Control No. 2002-064) [Note: COMPLETED]

11. Prior to final DRO approval, the site plan shall be revised to indicate the property limits of the Boys and Girls Club parcel. (DRO:ENGINEERING-Eng) (Previous condition E11 of Resolution R-2009-0492, Control No. 2002-064) [Note: COMPLETED]

12. Prior to issuance of the first building permit, the property owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Flatrock Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate road section of the included segment. If required and approved by the County Engineer, the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements 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 E12 of Resolution R-2009-0492, Control No. 2002-064) [Note: COMPLETED]

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(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (Previously Landscaping Condition 1 of Resolution R-2009-0492, Control 2002-064) (BLDG PERMIT: LANDSCAPE - Zoning)

2. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation, unless otherwise indicate herein:

- a. palm heights: twelve (12) feet clear trunk;
- 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. (Previously Landscaping Condition 2 of Resolution R-2009-0492, Control 2002-064) (BLDG PERMIT: LANDSCAPE - Zoning)

3. A group of three (3) or more palm trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (Previously Landscaping Condition 3 of Resolution R-2009-0492, Control 2002-064) (BLDG PERMIT: LANDSCAPE - Zoning)

4. Field adjustment of wall and plant material location may be permitted to provide pedestrian sidewalks and bike paths, and to accommodate transverse utility or drainage easements crossings and existing vegetation. (Previously Landscaping Condition 4 of Resolution R-2009-0492, Control 2002-064) (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-ALONG THE NORTH PROPERTY LINE

5. No easement encroachment shall be permitted within the north Right-of-Way landscape buffer. (Previously Landscaping Condition 5 of Resolution R-2009-0492, Control 2002-064) (ONGOING: LANDSCAPE-Zoning)

LANDSCAPE - PERIMETER-ALONG THE WEST PROPERTY LINE

6. Condition Landscape 6 of Resolution R-2009-00492 Control No. 2002-00064, which currently states:

In addition to the code requirements, landscaping along the west property line, shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip.
- b. one (1) palm for each for each thirty (30) linear feet of the property line with a maximum spacing of twenty (20) feet between clusters.
- c. a six (6) foot opaque concrete wall. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure.

Is hereby amended to read:

In addition to the code requirements, landscaping along the west property line, shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. one (1) palm for each thirty (30) linear feet of the property line with a maximum spacing of twenty (20) feet between clusters;
- c. a concrete panel wall to retain the grade differences. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
- d. a six (6) foot high vinyl-coated chain link fence. The chain link fence shall be installed at the interior side of the concrete panel wall along the play area. The fence shall be measure approximately 450 feet in length starting from the north gate of the play area (adjacent to the parking lot) to the south end of the playground;
- e. a six (6) foot high hedge, ligustrum variety or a specie as approved by the Zoning Division. The hedge shall be installed at the interior side of the chain link fence for a total of 450 linear feet; and;
- f. An additional six (6) foot high hedge, measuring approximately 160 linear feet in length, shall be planted in the interior side of the concrete panel wall, adjacent to the northwest parking area to provide screening for the residential use to the west of the subject property. (BLDG PERMIT: LANDSCAPE – Zoning)

PARKING

1. Offsite parking and shuttle services shall be provided to visitors during all special events onsite. (Previously Parking Condition 1 of Resolution R-2009-0492, Control 2002-064) (ONGOING: CODENF- Zoning)

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)