

RESOLUTION NO. R-92- 368

RESOLUTION APPROVING ZONING PETITION NO. 91-54  
SPECIAL EXCEPTION PETITION OF WILSON B. GREATON, JR.

WHEREAS, the Board of County Commissioners, as the governing body, 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 notice and hearing requirements, as provided for in Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 91-54 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on December 9, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 91-54, the petition of WILSON B. GREATON, JR., BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO ALLOW A PLANNED OFFICE BUSINESS PARK (POBP), INCLUDING ALL PERMITTED USES IN THE LO ZONING DISTRICT on a parcel of land lying in Parcel "A" HOLIDAY CITY AT BOCA RATON, Plat Book 29, Page 192, Section 25, Township 47 South, Range 41 East, and being located ON THE SW CORNER OF THE INTERSECTION OF PALMETTO PARK RD. AND U.S. 441, was approved on December 9, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.
2. This Special Exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 23). Any modifications must be approved by the Board of County

Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section **402.7 (E)2(b)** (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.

3. The petitioner shall submit an application to the Site Plan Review Committee for the certification of the site plan approved by the Board of County Commissioners for this site prior to March 7, 1992.

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to **23,000** square feet of medical and professional offices. Additional square footage may be allowed in accordance with Zoning Code Section **402.7**.
2. The maximum height, from grade to roof line, for all structures shall not exceed twenty (**20**) feet and shall contain no more than one story.
3. At a minimum, all buildings constructed on-site shall incorporate cedar shingle, barrel tile or concrete tile roof material. All buildings shall have peaked roofs.
4. All air conditioning and mechanical equipment shall be ground mounted adjacent to the building and screened from view on all sides in a manner consistent with the color and character of the principle structure.

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall:
  - a. Not be located within one-hundred (**100**) feet of the west and south property lines, and shall
  - b. Be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure constructed of brick, concrete, concrete block, or other decorative masonry, or comparable wood or steel, consistent with the architectural character of the development or principal building. The open end of the enclosure shall have an obscuring, opaque gate.
  - c. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty-six (**36**) inch high shrub and hedge material planted twenty-four (**24**) inches on center. This provision shall not apply to litter containers provided for the convenience of pedestrians.

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances - fuels, oils, solvents, or other hazardous chemicals - is required. Environmental Resources Management Department staff are willing to provide guidance on appropriate protective measures.

2. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to site plan certification.

**E. ENGINEERING**

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. Conceptual Drainage must be approved by the Office of the County Engineer and Lake Worth Drainage District prior to site plan approval. Historical Drainage from the adjacent residential parcel to the west shall be included in the drainage calculations from the developer's engineer. Property owner's documents submitted along with the plat shall include provisions for maintenance of drainage.
2. Prior to June 1, 1992 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for a 40 foot safe sight corner at the intersection of Palmetto Park Road and SR 7. Developer 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.
3. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is \$43,230.00 (786 trips X \$55.00 per trip).
4. No building permits for the subject site shall be issued after January 1, 1993.
5. Prior to issuance of a building permit, the property owner shall record a Unity of Title or record a Plat for the subject property. Property owner documents submitted along with the plat shall include provisions for maintenance of drainage. The Unity of Title may be broken upon the approval of the County Engineer and Executive Director of Planning, Zoning and Building.

**F. HEALTH**

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless

adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.

2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
4. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10-D-6, F.A.C.

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

H. LANDSCAPING - GENERAL

1. Prior to the issuance of a certificate of occupancy, the petitioner shall provide landscaping and buffering on the southwest corner of the intersection of Palmetto Park Road and State Road 7 in a manner consistent with Exhibit No. 47 of Zoning Petition No. 80-114(A), subject to approval by the County Engineer and the Zoning Division.
2. Prior to site plan certification, the landscape tabular data on the site plan shall be revised to reflect conformance to the Landscape Code and all landscape/vegetation preservation conditions.
3. All required trees in landscape buffer strips shall meet at a minimum the following standards:
  - a. Tree species: 100% native canopy.
  - b. Tree height: fourteen (14) feet minimum.
  - c. Trunk diameter: 3.5 inches at 4.5 feet above grade.
  - d. Canopy diameter: seven (7) feet minimum. The 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.

I. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every ten (10) parking spaces. Each landscape island shall be planted with a minimum of one native canopy tree or native palm tree and appropriate ground cover. The maximum spacing between landscape islands shall not exceed one hundred linear feet.
2. Landscaped divider medians shall be provided between all abutting rows of parking spaces. The minimum width of

this median shall be five (5) feet. One native canopy tree or native palm tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center.

J. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ABUTTING RIGHTS-OF-WAY)

1. Landscaping within the required fifteen (15) foot wide buffer along the north and east property lines shall be upgraded to include:
  - a. One tall native canopy tree planted every twenty (20) feet on center.
  - b. One (1) native palm tree shall be planted for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees shall supersede the requirement for a native canopy tree in that location.
  - c. Thirty (30) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-two (42) inches within twenty-four (24) months.
2. The petitioner shall landscape, sod and irrigate the reserved right-of-way between the edge of pavement for State Road 7 and Palmetto Park Road and the property line, subject to approval by the County Engineer and the Zoning Division. This landscaping shall be the perpetual maintenance obligation of the property owner and installed prior to the issuance of the first certificate of occupancy (C.O.) for the site.

K. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south and west property lines shall be upgraded to include:
  - a. A minimum ten (10) foot wide landscape buffer strip.
  - b. A six (6) foot high opaque concrete wall to be tied into the existing south property owner's wall. The exterior side of the wall/fence shall be given a finished architectural treatment which is compatible and harmonious with abutting development.
  - c. One native canopy tree planted every twenty (20) feet on center.
  - d. One native palm tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees shall supersede the requirement for a native canopy tree in that location.

- e. Twenty-four (24) inch high shrubs or hedge material spaced no more than twenty four (24) inches; on center at installation, to be maintained at a minimum height of forty-eight (48) inches. One row shall be installed on the exterior side of the required wall along the west property line and one row on the interior side of the required walls on the south and west property lines.
  - f. Landscaping required along the west property line shall be installed on the exterior side of the required wall.
2. Landscaping and buffering shall be installed prior to the issuance of the first building permit.
  3. One (1) interior landscape island shall be provided for every eight (8) parking stalls abutting these property lines.

L. LANDSCAPE WITHIN MEDIAN

1. FDOT maintained rights-of-way: Prior to site plan certification, the petitioner shall complete and submit to Palm Beach County, on a form provided by the Florida Department of Transportation, a request for permission to landscape the medians of all abutting Florida Department of Transportation maintained rights-of way. The petitioner shall be responsible for an additional information and charges requested by the Florida Department of Transportation.

Prior to issuance of a building permit, the Palm Beach County Engineering Department shall issue the applicant a secondary permit requiring the developer to complete the required construction and plantings subject to the terms of the Department of Transportation permit.

County maintained rights-of-way: On abutting roads which are maintained by Palm Beach County, the property owner shall complete and submit the required permit on the form provided by the Palm Beach County Engineering Department prior to site plan certification.

Minimum landscaping and maintenance requirements within all medians: Landscaping shall consist of a minimum of one (1) twelve (12) foot tall native tree for each thirty (30) linear feet of lot frontage and appropriate ground cover. Trees may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected according to xeriscape principles from the following list:

Trees:

Turkey Oak  
 Live Oak  
 Slash Pine  
 Sabal Palmetto

Groundcover:

Wedilia  
 Bahia Grass

Alternative species may be allowed subject to approval by the Zoning Division. All plant material shall be installed according to xeriscape principles and shall conform with the following:

- a. All plants shall be container grown.
- b. The bottom cushion of the planting area shall include a minimum four (4) inch thick, high moisture retaining, marl based soil.
- c. Potting soil shall be placed around the plant root balls at time of planting.

This landscaping shall be the daily maintenance obligation of the property owner, including irrigation, for ninety (90) days from installation and shall be installed prior to the issuance of the first certificate of occupancy on the site.

M. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets.
2. All lighting fixtures shall not exceed twenty (20) feet in height.
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement.

N. PARKING

1. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives.
2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan.

O. RECYCLE SOLID WASTE

1. All property owners and lessee's shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.

P. SIGNS

1. Signs fronting on U.S. 441/S.R. 7 shall be limited as follows:
  - a. Maximum sign height - ten (10) feet.
  - b. Maximum total sign face area - 100 square feet.
  - c. Maximum number of signs - one (1).
2. Signs fronting on Palmetto Park Road shall be limited as follows:

- a. Maximum sign height - ten (10) feet.
  - b. Maximum total sign face area - 100 square feet.
  - c. Maximum number of signs - one (1).
3. Prior to site plan certification, the petitioner shall submit a Master Sign Program, including point of purchase and all other sign types proposed on the subject property, to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval.
  4. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site.
  5. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval.

**Q. UNITY OF CONTROL**

1. Prior to site plan certification, petitioner shall record in the public record a Unity of Control for the entire subject property in a form acceptable to the County Attorney.

**R. USE LIMITATION**

1. No business activities shall be allowed on the site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m., emergency medical uses shall be exempt from this condition.
2. No storage or placement of any material, refuse, equipment or debris shall be permitted in the rear of the facility.

**S. COMPLIANCE**

1. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions; of approval at any time may result in one or more of the following:
  - a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
  - b. The revocation of any special exception for the property, as well as any previously granted certifications of concurrency or exemptions therefrom;
  - c. Rezoning of the property;



- d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
  - e. Citation of the property owner for violation of the Zoning Code.
2. Appeals of any **departmental-administrative** actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of special exception, rezoning, or other actions based on a Board of County Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner McCarty moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 10th day of March, 1992.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

MILTON T. BAUER, CLERK

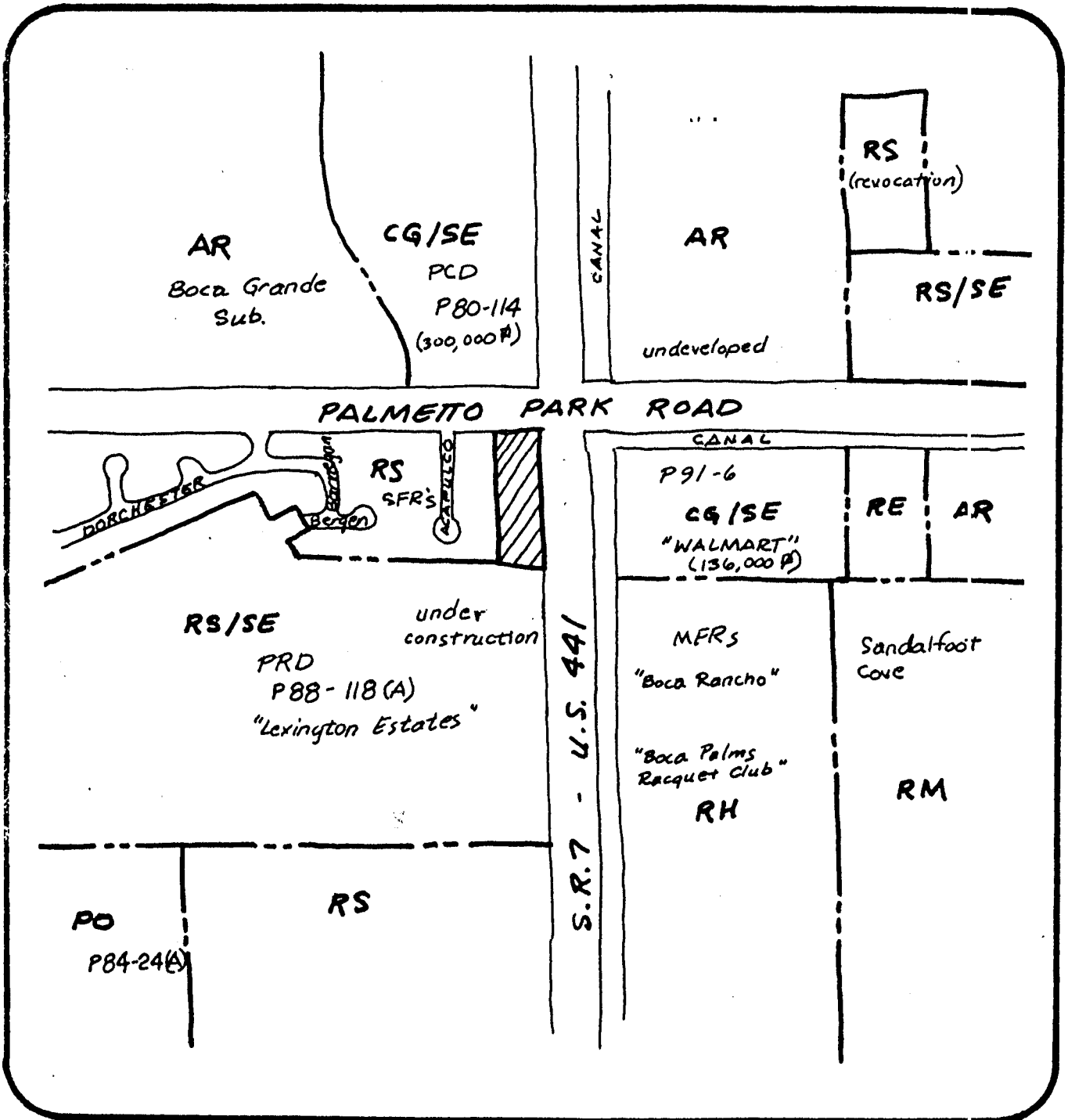
BY :   
COUNTY ATTORNEY

BY :   
DEPUTY CLERK

R92 368

Sec. 25 Twp. 47 Rng. 41  
 Quadrant Sheet: 69  
 Aerial Page: 416

Vicinity  
 Sketch



Request:

**REZONING: AR TO LO. SPECIAL EXCEPTION: PLANNED OFFICE BUSINESS PARK (POBP).**

PETITION NO: 91-54

BCC DISTRICT: 4