

RESOLUTION NO. R-2003- 0095

RESOLUTION APPROVING ZONING PETITION CA2002-045
CLASS A CONDITIONAL USE
PETITION OF TOM HEAD JR.
BY KIERAN J. KILDAY, AGENT
(BOYNTON BEACH BLVD. MEDICAL OFFICE)

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 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA2002-045 was presented to the Board of County Commissioners at a public hearing conducted on January 9, 2003; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

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

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition CA2002-045, the petition of Tom Head Jr., by Kieran J. Kilday, agent, for a Class A Conditional Use to allow a medical office and a veterinary clinic in the Limited Office Commercial 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 9, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti 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:

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


The Chair thereupon declared that the resolution was duly passed and adopted on January 9, 2003.

Filed with the Clerk of the Board of County Commissioners on 30 day of January, 2003

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK

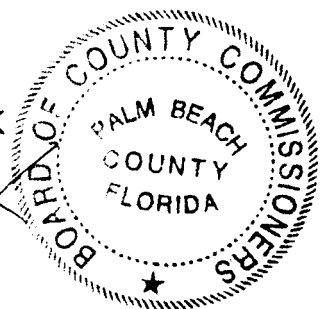


EXHIBIT A
LEGAL DESCRIPTION

TRACT 5, BLOCK 55, "PALM BEACH FARMS CO. PLAT No. 3 **AS** RECORDED IN PLAT BOOK 2, ON PAGE 50, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 440 FEET THEREOF AND LESS THE RIGHT-OF-WAY OF LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL No. 24.

EXHIBIT B
VICINITY SKETCH

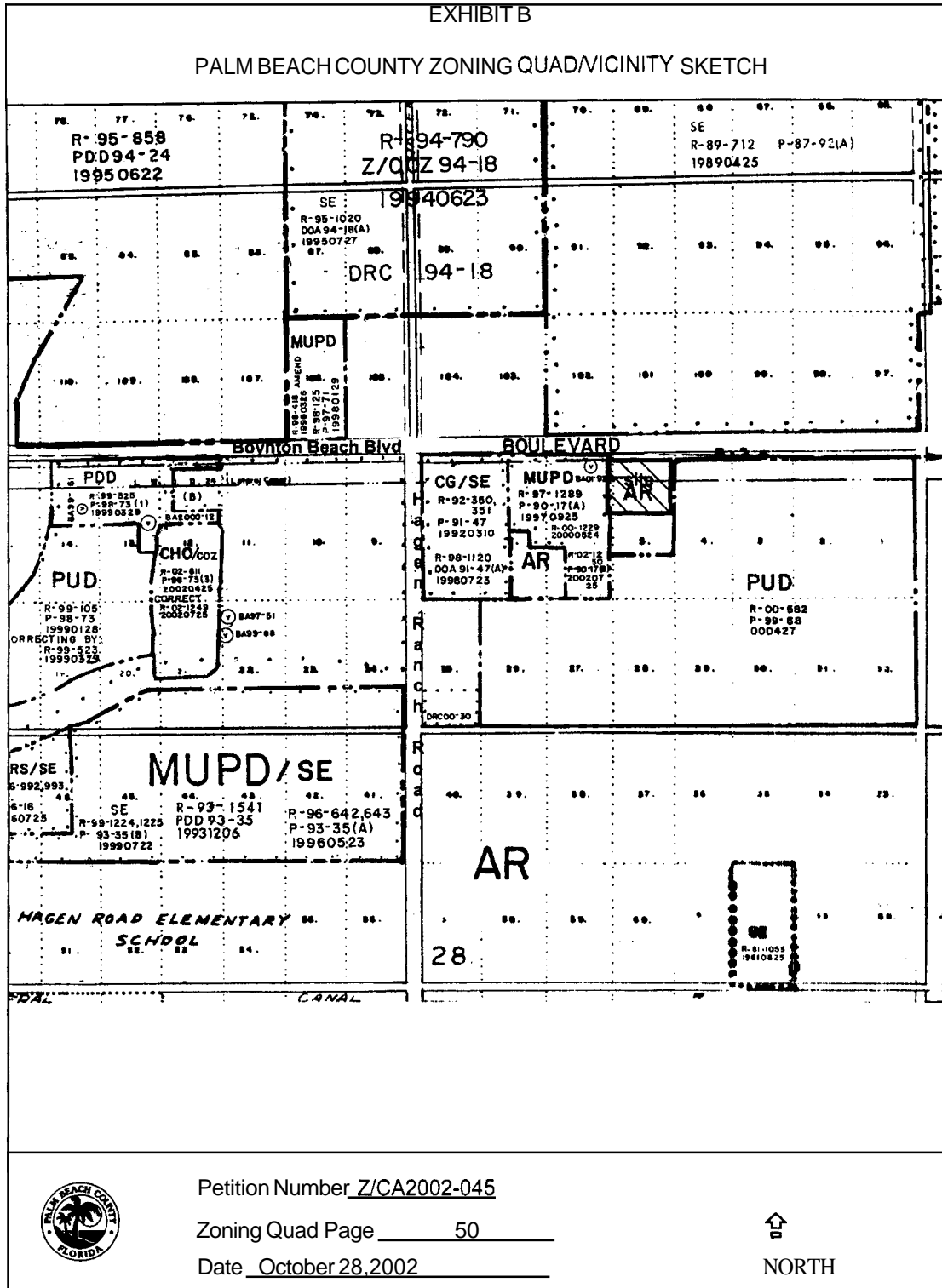


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated September 16, 2002. 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: ZONING-Zoning)

B. ARCHITECTURAL REVIEW

1. The proposed medical buildings shall be designed and constructed to be generally consistent with the facade elevations by ADA Architectural Design Associated dated August 7, 2002. The Zoning Division may permit deviations from these elevations subject to architectural review and approval in accordance with Section 6.6E of the ULDC. (DRC: ARCH.REVIEW-Zoning)
2. At time of submittal for final DRC certification, the site plan shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the DRC certified site plan. Focal point shall include, but not limited to fountains, trellis with benches, and sculpture. (DRC: ARCH. REVIEW - Zoning)

C. LANDSCAPE-STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - 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. (CO: LANDSCAPE - Zoning)
(CO: LANDSCAPE - Zoning)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. forty-eight (48) to seventy-two (72) inches – large shrub; and,
 - d. this condition does not apply to the five (5) and the ten (10) foot wide buffers or where a single row of hedge is required on one or both sides of the wall. (CO: LANDSCAPE - Zoning)
- 4. All trees, palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
 - 5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF WEST BOYNTON BEACH BOULEVARD ROAD)

- 1. Landscaping and buffering along the north 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 measured from top of curb. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways or to accommodate existing vegetation.
 - 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. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation.
 - g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE-Zoning)

E. ENGINEERING

- 1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
No Building Permits for the site may be issued after December 31, 2003. A time extension for this condition may be approved by the County Engineer only if 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)
- 2. LANDSCAPE WITHIN THE MEDIAN OF BOYNTON BEACH BOULEVARD

The petitioner shall design, install and perpetually maintain the median landscaping within the Median of Boynton Beach Boulevard. This landscaping and irrigation shall strictly conform with the specifications and standards for the County’s Only Trees, Irrigation, and Sod (OTIS) program. Exceptions for additional landscaping beyond OTIS require Board of County Commissioners approval. Sites with additional

landscaping shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County.

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING- Eng)
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING-Eng)

At the petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner-installed landscaping, payment for the maintenance may be provided to the County. 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 petitioner. The Developer shall first be required to correct any deficiencies in the landscaping and irrigation.

In the event that the County installs trees, irrigation, and sod under its OTIS program along this project's frontage prior to the petitioner installing this landscaping and irrigation, then the option for the petitioner to install and maintain shall no longer be available without Board of County commissioners approval, and the petitioner shall contribute to the County's beautification program, as outlined in the second part of this condition, as follows:

Alternately, at the option of the petitioner,

Prior to the issuance of a Building Permit, the petitioner shall make a contribution to the County's Only Trees, Irrigation and Sod (OTIS) unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage length along Boynton Beach Boulevard. The payment shall be in the amount and manner that complies with the schedule for such payments, as it currently exists, or from time to time may be amended.

NOTE: Payments under this program do not guarantee the installation of landscaping and irrigation along this project's frontage during any particular time frame.

F. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING MIZNER FALLS PUD, WITH EXISTING LANDSCAPE BUFFERS)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip;
 - b. a continuous three (3) foot high berm measured from top of curb; and
 - c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - e. one (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
 - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation; and

- g. one (1) large shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and shall be maintained at a minimum height of seventy-two (72) inches at maturity. (CO: LANDSCAPE-Zoning)

G. PLANNING

1. At time of submittal for final master plan certification of the Preliminary Development Plan, architectural elevations for all buildings and structures shall be submitted simultaneously with the Preliminary Development Plan for final architectural review and approval in accordance with Section 4 – "Architectural Design Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996. All development shall be consistent with the approved architectural elevations. (DRC:ZONING/BLDG PERMIT: BLDG - Planning)
2. The project shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996, inclusive of the following landscaping provisions, with the exception of median landscaping standards that have now been superseded by the County's median landscaping program
 - a) Section 2: Boynton Beach Boulevard Buffers/Streetscape and Median; and
 - b) Section 3 Landscaping Guidelines.
(ONGOING: PLANNING/ZONING-Planning)
3. Prior to final Development Review Committee (DRC) Certification of the Preliminary Development Plan, the petitioner shall submit a conceptual landscape plan to the Planning Division for consistency review with the Boynton Beach Turnpike Interchange Corridor Design Guidelines. (DRC:PLANNING/ZONING-Planning)
4. Prior to final site plan certification by the Development Review Committee (DRC), the Planning Division shall ensure that this site plan conforms with the plan presented to the BCC including those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated September 16, 2002 (Rec.# 41 and 47) regarding shaded pedestrian pathways and vehicular and pedestrian connections. In addition, the notation regarding traffic calming shall remain on the site plan, (DRC:PLANNING-Planning)
5. Prior to final site plan certification by the Development Review Committee (DRC), in order to comply with Recommendation 41 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian circulation for all internal sidewalks shown in this project. (DRC: PLANNING-Planning)

H. SIGNS

1. Freestanding point of purchase signs fronting on Boynton Beach Boulevard shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. maximum sign face area per side – fifty (50) square feet;
 - c. maximum number of signs - one (1);
 - d. style - monument style only; and,
 - e. location – within fifty (50) feet of the access point along Boynton Beach Boulevard
 - f. Signs shall be limited to identification of tenants only. (CO: BLDG-Zoning)

2. Wall signs shall be limited to the east facade of Building A and the west facade of Building B and individual lettering size shall be limited to thirty-six (36) inches high. Wall signs shall be limited to only identification of tenants only. (CO: BLDG-Zoning)
3. Prior to final master plan certification by the DRC, all signs on the site shall be designed and constructed in accordance with Section 5 – "Signage Guidelines" of the Boynton Beach Turnpike Interchange Corridor Design Guidelines and Standards Manual, dated November 12, 1996 (DRC/BLDG PERMIT: PLANNING/ZONING/BLDG - Planning)

I. 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 Section 5.8 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. (ONGOING: MONITORING-Zoning)