

RESOLUTION NO. R-96-7

RESOLUTION APPROVING ZONING PETITION DOA88-99(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF DAVID ROBINSON, TR.
BY KIERAN J. KILDAY, AGENT

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA88-99(A) was presented to the Board of County Commissioners at a public hearing conducted on January 5, 1996; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, 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 DOA88-99(A) the petition of David Robinson, Tr. by Kieran Kilday, agent, for a Development Order Amendment (DOA) to allow medical/dental offices, a funeral home and redesign site for a planned development previously approved 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 5, 1996, 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 Roberts and, upon being put to a vote, the vote was as follows:

| | | |
|-------------------|----|-----|
| Ken Foster, Chair | -- | Aye |
| Burt Aaronson | -- | Aye |
| Maude Ford Lee | -- | Aye |
| Karen T. Marcus | -- | Aye |
| Mary McCarty | -- | Aye |
| Warren Newell | -- | Aye |
| Carol A. Roberts | -- | Aye |

The Chair thereupon declared that the resolution was duly passed and adopted on January 5, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

[Signature]
COUNTY ATTORNEY

BY:

[Signature]
DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

LAND DESCRIPTION:

The north 192.90 feet of the following described lands: Tracts 13 and 14, Block 78, THE PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Pal Beach County, Florida.

TOGETHER WITH:

A strip of land 50 feet wide, bounded on the East by the northerly extension of the east line of said Tract 13; on the West by the northerly extension of west line of said Tract 14; on the South by the north line of said Tracts 13 and 14.

Said lands containing 7.447 acres, more or less.

Subject to easements, reservations, restrictions and rights-of-way of record.

Petition No. DOA88-99 (A)

BOOK 1822 PAGE 210

R96 7 11

Page 4

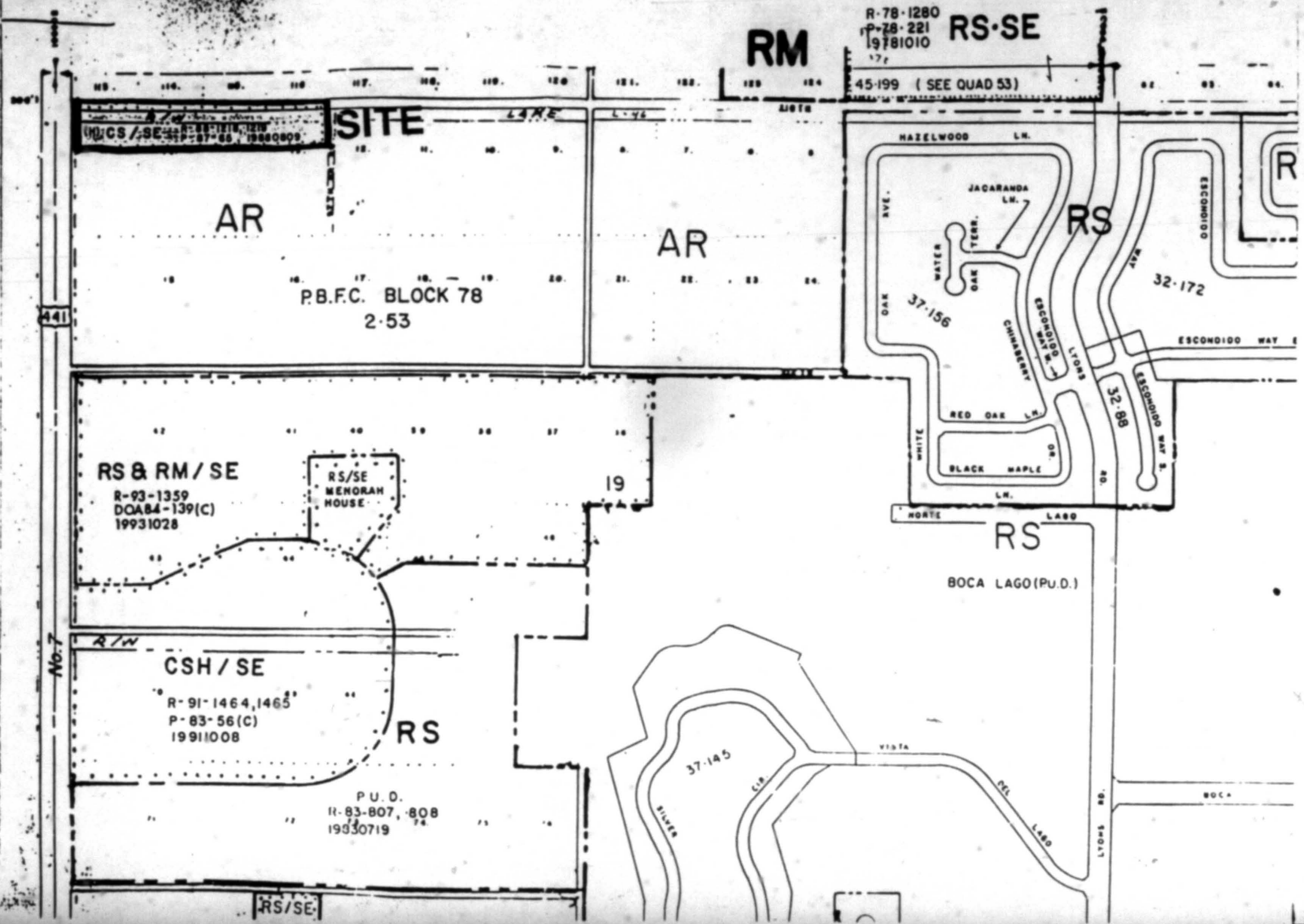


EXHIBIT B
VICINITY SKETCH

EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-88-1218 (Petition 87-65), R-88-1219 (Petition 87-65), R-89-1162 (Petition 87-65(A)), R-89-1233 (Petition 88-99), and R-89-1234 (Petition 88-99), are hereby revoked. (ONGOING: MONITORING-Zoning)

B. HEALTH

Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (HEALTH)

C. LANDSCAPING - GENERAL

1. All trees required to be planted within perimeter buffers shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. 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. (CO:LANDSCAPE-Zoning)

D. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING STATE ROAD 7)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. One (1) canopy tree planted every twenty (20) feet on center.
 - b. One (1) palm tree or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet on center. A group of three or more palm and/or pine trees may supersede the requirement for a canopy tree in that location.
 - c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO:LANDSCAPE-Zoning)

E. ENGINEERING

1. 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, Zoning Petition 88-99(A), to be paid at the time of issuance of the Building Permit presently is:

- a. Medical & Professional Office shall be 1878 trips/day X \$55.00 per trips = \$103,299
- b. Funeral homes shall be 43 trips/day X \$55.00 per trip = \$2,365.00. (IMPACT FEE COORDINATOR)

2. LANDSCAPE WITHIN MEDIAN

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscape material, installation, and maintenance requirements shall be subject to the standards 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 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 Homeowners'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 on or before the issuance of a Certificate of Occupancy. (CO:MONITORING-Eng)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO:MONITORING-Eng)

F. MUPD

1. Total gross floor area shall be limited to a maximum of 71,400 square feet. Expansion shall be limited to five per cent (5%) or 1,000 square feet, whichever is less. (DRC:Zoning)
2. All structures shall be limited to a maximum of two (2) stories. (Bldg Permit:BUILDING-Zoning)

G. SIGNS

1. Freestanding point of purchase signs fronting on State Road 7 shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 150 square feet;
 - c. Maximum number of signs - one (1); and

- d. Style - monument style only. (CO:BLDG))
2. The freestanding point of purchase sign along SR7/US441 shall identify a maximum of three (3) tenants only. (BLDG PERMIT: BUILDING-Zoning)

H. COMPLIANCE

1. 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; 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.

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.
(MONITORING)

Ken Foster, Chairman
Burt Aaronson, Vice Chairman
Karen T. Marcus
Carol A. Roberts
Warren H. Newell
Mary McCarty
Maude Ford Lee

Robert Weisman

Department of Planning, Zoning & Building



XI.A.9.

Petition No.: DOA88-99(A)
Petitioner: David Robinson, Tr.
Owner: David Robinson, Tr.
Agent: Kieran J. Kilday, Kilday & Associates, Inc.
Telephone No.: 689-2592
Project Manager: Barbara Pinkston-Taylor, Site Planner II

Location: East side of SR7/US 441 approximately 1,300 feet south of Glades Road (Star of David Funeral Home).

Request: Development Order Amendment (DOA) to allow medical/dental offices, a funeral home (requested uses) and redesign the site.

PETITION SUMMARY:

Proposed is the redesign of a previously approved medical office park on a 7.44 acre parcel of land. The petitioner proposes to reduce the overall building area from 99,666 to 71,400 square feet (-28,266). A 15,000 square foot funeral home and two (2) 28,200 square foot medical and/or professional office buildings are now proposed.

Access to the site will be provided from SR7/US 441. In addition, cross access is proposed to the existing shopping center to the north (Westwinds of Boca).

ISSUES SUMMARY:

o Previous Approvals

A rezoning to the Specialized Commercial (CS) district and special exception for a Planned Office Business Park were approved on the south portion of the subject site on July 24, 1987.

On January 27, 1989 the special exception was amended to add the area to the north, redesign the site, and increase the building square footage. In addition, the area added was rezoned to the CS district.

The previous approvals have not been utilized. Staff recommends a condition deleting all previous conditions of approval. New conditions are recommended to address the current request.

o Compatibility with Surrounding Uses

The area to the north supports the Westwinds of Boca Shopping Center. The areas to the south and east support agricultural uses. The parcel is bound by SR7/US 441 on the west. Boca Woods PUD is located across SR7/US 441. The proposed use is consistent with the Comprehensive Plan and should have no adverse impact on the surrounding area.

o Traffic

The Engineering Department estimates 1,916 trips per day will be generated by this request. A total of 3,406 trips per day were estimated for the previous approval. The decrease in square footage results in a reduction of 1,490 trips per day.

o Lake Worth Drainage District (LWDD) / Parking

The LWDD has agreed to allow improvements in their right-of-way in accordance with the current approval. The total building square footage, parking, and traffic on site will be decreased by the new requests.

o Landscape/Buffering

A Lake Worth Drainage District(LWDD) canal is located along the north property line. A twenty (20) foot wide landscape buffer consisting of trees and shrubs will be installed to the south of the canal.

The areas to the south and east support agricultural uses. A fifteen (15) foot wide buffer consisting of a six (6) foot high opaque barrier, trees and shrubs is required along these property lines.

A LWDD canal is located along the west portion of the site adjacent to SR 7/US 441. A ten (10) foot wide buffer including trees and shrubs is proposed along the west property line on the east side of the canal. Staff recommends a condition requiring landscaping adjacent to the canal be upgraded to include the following:

- a) one (1) canopy tree planted every twenty (20) feet on center;
- b) one (1) palm or pine tree for each twenty (20) linear feet of frontage; and,
- c) thirty (30) inch high shrub or hedge material.

Staff recommends a condition requiring all trees planted in the buffers be upgraded to a minimum height of fourteen (14) feet.

o Signs

Staff recommends that signage along SR7/US 441 be limited to one (1) monument style point of purchase sign with a maximum height of twenty (20) feet and maximum sign face area of 100 square feet. The twenty (20) foot height will ensure visibility from the right-of-way.

TABULAR DATA

| | EXISTING | PROPOSED |
|-----------------------------|--|-----------------------|
| Property Control Number (s) | 00-42-43-27-05-078-0132 | Same |
| Land Use Designation: | Commercial Low (CL) | Same |
| Zoning District: | Specialized Commercial (CS)/Planned Office Business Park | Same + Requested Uses |

| | | |
|-------------------|------------|--|
| Use: | Vacant | Medical/Dental Office or Clinic, Funeral Home, & Professional Office |
| Total Acreage: | 7.44 acres | Same |
| Total Floor Area: | 99,666 SF | 71,400 SF (-28,266) |
| FAR: | NA | .22 |
| Parking: | NA | 348 |
| Access: | SR7/US 441 | Same |

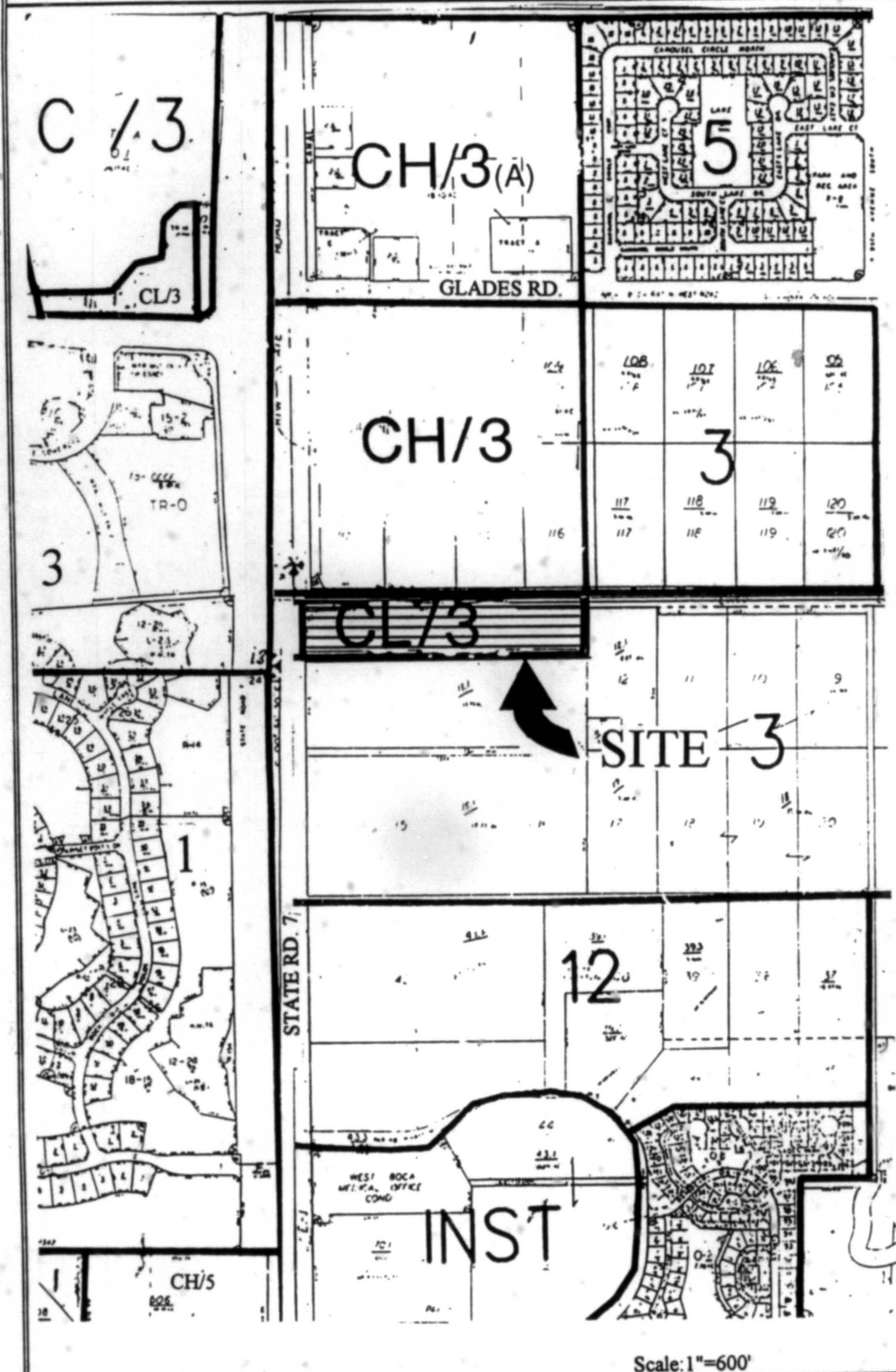
PUBLIC COMMENT SUMMARY: At time of publication, staff had received no letters in support and no letters in opposition to the request.

RECOMMENDATION: Staff recommends approval of the request, subject to 7 conditions as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION: December 7, 1995: Motion to recommend approval carried by a vote of 6 to 0.

MOTION: To approve/deny the request for a Development Order Amendment (DOA) to redesign the site and allow medical/dental offices and a funeral home and adopt a resolution confirming that action.

PALM BEACH COUNTY PLANNING DIVISION
 SITE LOCATION AND LAND USE



Petition Number: 88-99A
 Land Use Atlas: 109,110,113,114
 Date: 10/12/95



DA...

R-78-1280
P-78-221
19781010

RS-SE

RM

45-199 (SEE QUAD 53)

SITE

AR

P.B.F.C. BLOCK 78
2-53

RS & RM / SE

R-93-1359
DOAB-139(C)
19931028

RS/SE
MENORAH
HOUSE

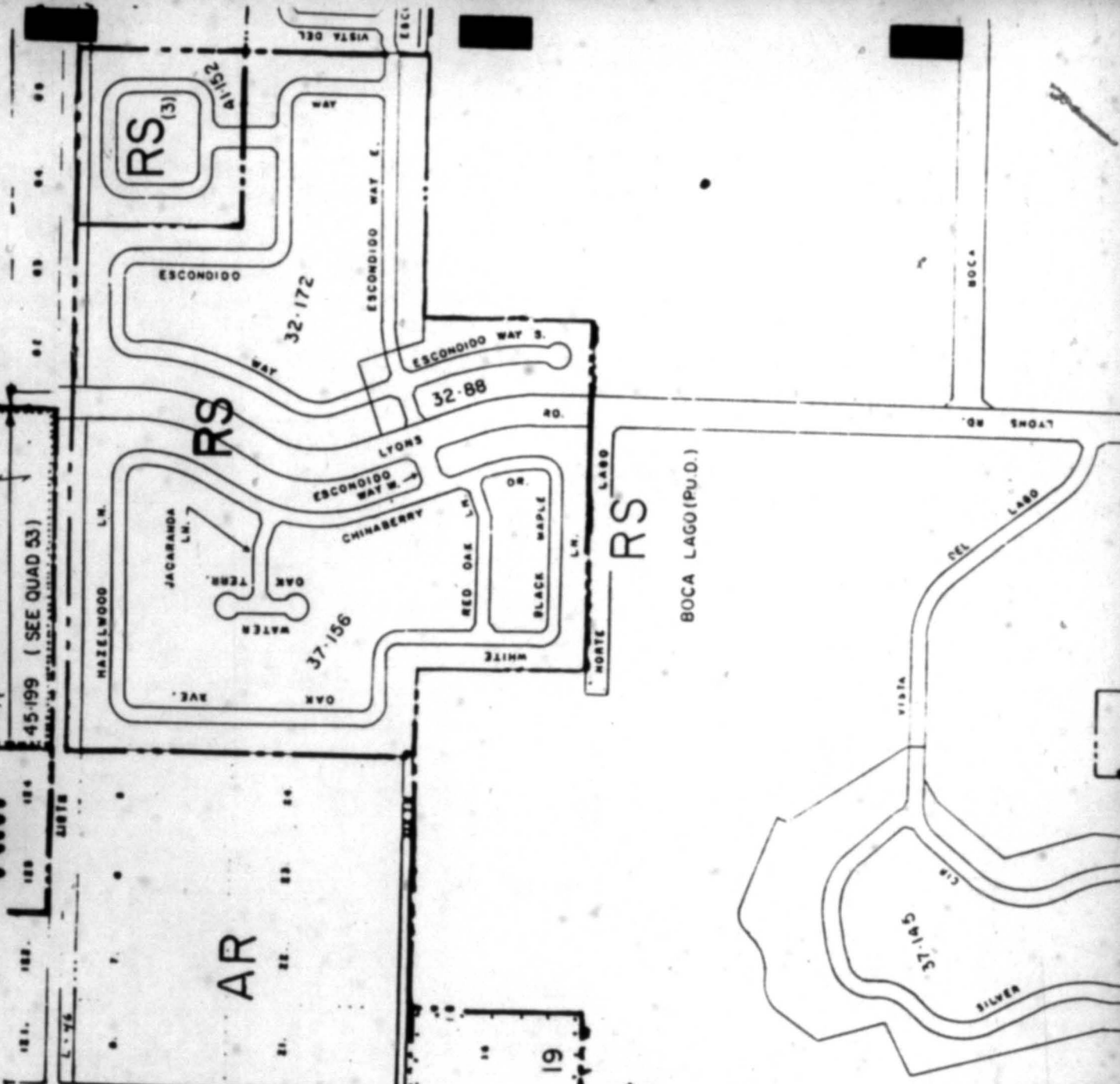
CSH / SE

R-91-1464, 1465
P-83-56(C)
19911008

RS

P.U.D.
R-83-807, 808
19830719

RS/SE



FILE COPY

88-99

REVISED

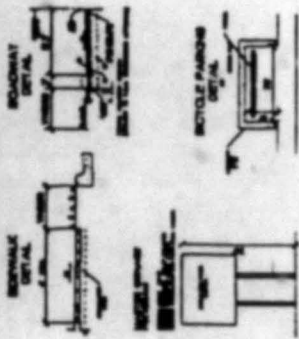
OCT 26 1995

1:11:14:11:14:14 Thu Oct 26 09:00:00 1995 STS

SITE DATA

| | |
|-------------------------------------|--------------|
| FUTURE LAND USE | CR/3 |
| EXISTING ZONING | CR/3B MUPD |
| PROPOSED ZONING | 7.417 AC |
| TOTAL LOT AREA (CONFORMS S.F.) | 71,400 S.F. |
| TOTAL BUILDING AREA | 77K |
| FLOOR AREA/LOT AREA RATIO | UN |
| BUILDING COVERAGE (1/3 OF LOT AREA) | UN |
| CORPORAL/REGULATED USE | 4.74 AC 65K |
| OPEN SPACE AND BUFFER | 1.5 AC 20K |
| CANAL R/W | 1.11 AC 150K |
| TOTAL TREES REQUIRED (1/7000 SF) | 000 |

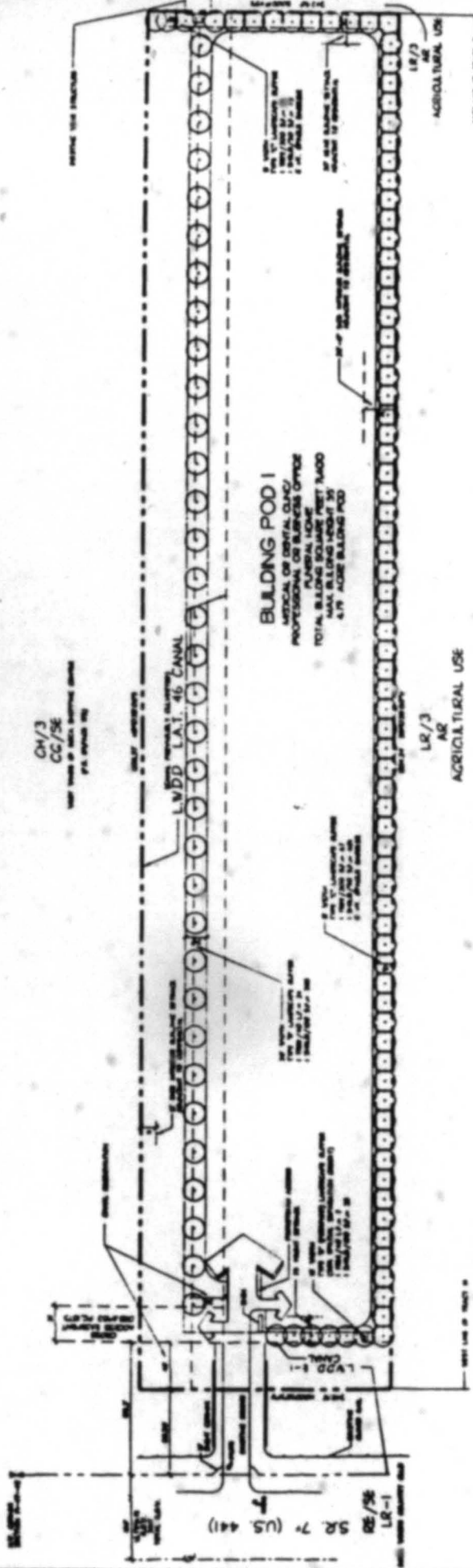
REGULATING PLAN



LEGAL DESCRIPTION

The land described in this plat is situated in the City of Palm Beach, Florida, and is more particularly described as follows: ...

Star of David Funeral Home
Palm Beach County, Florida
Preliminary Development Plan Requiring MUPD



DEVELOPMENT TEAM

OWNER: THE GROUP, INC.
 7400 CAPITAL CIRCLE, NE
 TALLAHASSEE, FLORIDA 32308-3700

ARCHITECT: ARNOLD-WALL & ASSOCIATES
 2015 AND 2ND AVENUE, SUITE 107
 PALM BEACH, FLORIDA 33407
 (407) 790-7294

PLANNER: KIDDY & ASSOC.
 1700 HEBBY BLVD, SUITE 200A
 WEST PALM BEACH, FLORIDA 33411
 (407) 846-1577

CIVIL/TRAFFIC ENGINEER: WITKINS & WHITE
 4622 FOREST HILL BLVD, SUITE 102
 WEST PALM BEACH, FLORIDA 33410
 (407) 846-1577

NOTES:

- * BASE INFORMATION FOR THIS PROJECT WAS OBTAINED FROM A SURVEY PREPARED BY ARNOLD-WALL & ASSOCIATES, INC. ON/NO 8/28/95
- * FLOOR TRENCH, DIMENSIONS BY GREEN LOCATIONS OF SERVICES ARE LOCATED AT THE WEST AND SOUTH CORNERS OF THE 1/2" BLOCK SOUTH
- * ALL REQUIRED PARKING MUST BE WITHIN 400' MAXIMUM DISTANCE OF DOOR
- * TRAFFIC CORNERS FROM FRONT SETBACKS & 15' MIN. TRAFFIC ACCOMMODATION
- * SETBACKS ON/NO 8/27/95 BASED ON 40' AND 40'0" WALLS

MUPD SETBACKS:

| | |
|-----------------------------------|-----|
| FRONT | 25' |
| REAR | 20' |
| SIDE INTERIOR (ADJUTS MENTIONED) | 30' |
| SIDE INTERIOR (ADJUTS CORRECTIVE) | 30' |
| REAR (ADJUTS RECREATIONAL) | 30' |

LOCATION MAP
 SEC. 9 T1P. 47 R1E. 12



Star of David Funeral Home
and Office Park
MUPD

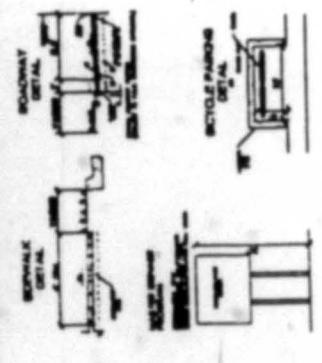
Kidney & Associates
Landscape Architects/Planners
1551 Forum Place
West Palm Beach, Florida 33411
(407) 699-3322 FAX (407) 699-2392

| | |
|-------------|----------------------------|
| DATE | 10/26/95 |
| DRAWN BY | W. J. B. |
| CHECKED BY | W. J. B. |
| DESIGNED BY | W. J. B. |
| PROJECT NO. | 100-100-100 |
| SCALE | AS SHOWN |
| PROJECT | STAR OF DAVID FUNERAL HOME |
| PREPARED BY | KIDNEY & ASSOCIATES |
| APPROVED BY | |
| DATE | |

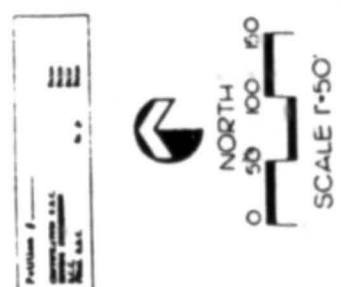
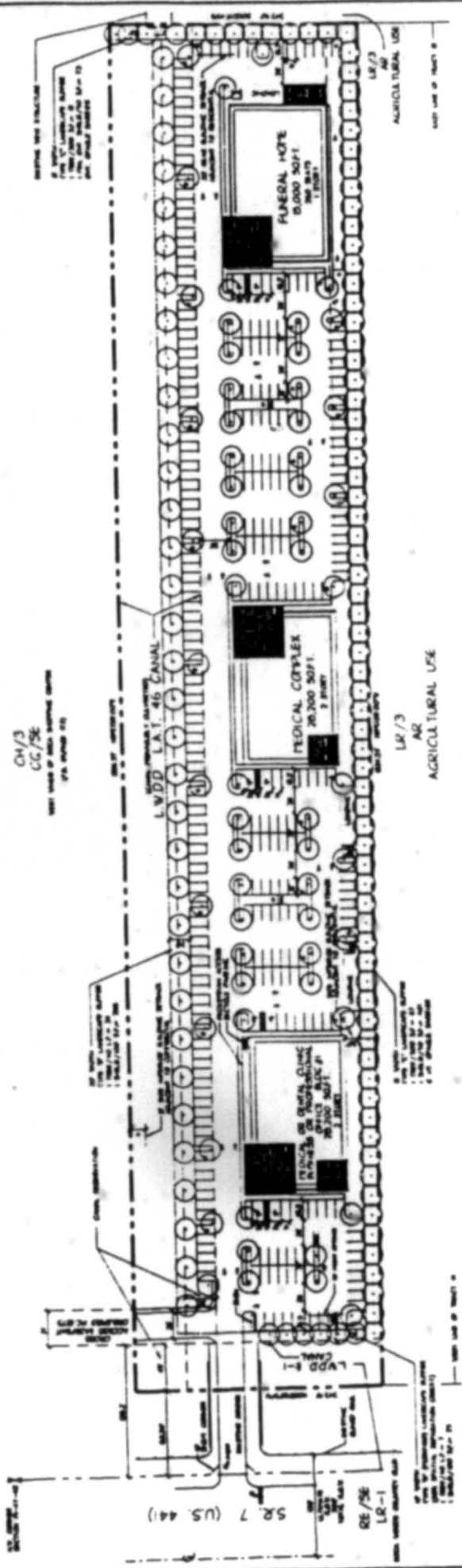
LEGAL DESCRIPTION

The site is located in the unincorporated area of Palm Beach County, Florida, within the boundaries of the Palm Beach County Comprehensive Zoning Ordinance, Chapter 252, Section 252.01, and is zoned CC-3. The site is bounded on the north by the 15th Street Right-of-Way, on the south by the 16th Street Right-of-Way, on the east by the 10th Avenue Right-of-Way, and on the west by the 11th Avenue Right-of-Way. The site is approximately 1.5 acres in size and is currently vacant.

REGULATING PLAN



| | |
|----------------------------------|-----------|
| SITE DATA | |
| FUTURE LAND USE | CC/3 |
| EXISTING ZONING | CC/3 |
| PROPOSED ZONING | CC/3 |
| TOTAL LOT AREA (APPLICABLE) | 7,447 AC |
| PROPOSED BLDG. SF | 11,400 SF |
| TOTAL BLDG. AREA | 11,400 SF |
| FLOOR AREA/LOT AREA RATIO | 77% |
| BLDG. COVERED AREA OR | 43% |
| PREVIOUS AREA | 33% |
| TOTAL TREES REQUIRED (1/7500 SF) | 150 |
| PARKING REQUIRED | 348 |
| MINIMUM SPACES PROVIDED | 348 |
| MINIMUM SPACES PROVIDED | 348 |
| MINIMUM SPACES PROVIDED | 348 |
| MINIMUM SPACES PROVIDED | 348 |



LOCATION MAP

SEC. 4 TWP. 37 N. R. 42 W.

NOTES

- ALL INFORMATION FOR THIS PROJECT WAS OBTAINED FROM A SURVEY PREPARED BY ARDEN-HILL & ASSOCIATES, INC. DATED 8/7/70.
- TRUSS MEMBER PROVISION BY CURRENT LOCATION OF SERVICE ARE LOCATED ABOUT NORTH AT THE WEST SIDE SHOPPING CENTER AND 1/2 BLOCK SOUTH AT THE WEST BEACH MEDICAL CENTER. ABOUT 40'
- ALL REQUIRED PARKING MUST BE WITHIN APPROXIMATE DISTANCE OF DOOR.
- TRAFFIC COUNTS TAKEN FROM INTERSECTION & WEST BEACH INTERSECTION. STATEMENT DATED 8/7/70. BASED ON 41 AND (PM) PEAK.

DEVELOPMENT TEAM

- OWNER: THE GROUP INC. 3000 CAPITAL DRIVE SE. TALLAHASSEE, FLORIDA 32308-3100
- ARCHITECT: ARDEN-HILL & ASSOCIATES, INC. 1015 W. PALM BEACH BLVD. SUITE 200 WEST PALM BEACH, FLORIDA 33411 (407) 833-2700
- PLANNER: KIDNEY & ASSOCIATES, INC. 1551 FORUM PLACE WEST PALM BEACH, FLORIDA 33411 (407) 699-3322
- CONTRACTOR: BETHCO & WHITE 4623 FOREST HILL BLVD. SUITE 100 WEST PALM BEACH, FLORIDA 33410 (407) 833-2700

MUPD SETBACKS

- FRONT 25'
- REAR 10'
- SIDE (ADJUTS BOUNDARY) 5'
- SIDE (ADJUTS BOUNDARY) 5'

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

LAND USE PLAN DESIGNATION: Commercial Low-Intensity (CL)

Underlying Land Use: Low Residential 3 (LR3)

CONSISTENCY WITH LAND USE PLAN DESIGNATION: The Planning Division has reviewed the petition and determined that the requested development order amendment to allow a funeral home in addition to a medical/dental office is consistent with this parcel's Commercial Low-Intensity Future Land Use designation.

The site is a 7.447 acre vacant parcel. Previously the site has been approved for medical/dental offices. The applicant is proposing to add a 15,000 square foot funeral home on the eastern portion of the site in addition to the medical/dental offices.

COMPATIBILITY WITH SURROUNDING LAND USES: The commercial use of the site is compatible with an adjoining commercial center (West Winds of Boca shopping center) to the north.

URBAN SERVICE AREA: The subject property is within the Urban Service Area.

FUTURE ANNEXATION AREAS: The subject site is not within a municipal future annexation area with an adopted annexation plan.

FINDINGS: The request is consistent with the goals, policies and objectives of the Palm Beach County Comprehensive Plan.

ENGINEERING COMMENTS:

MAJOR THOROUGHFARES

- a. Traffic from this project is 1,916 trips/day. Total traffic from the previous approval was 3,406 trips/day.

| | |
|---------------------------|---------------------------|
| <u>TRAFFIC:</u> | <u>State Road 7</u> |
| SEGMENT: | Project ent - Glades Road |
| PRESENT: | 39,274 |
| HISTORICAL | |
| GROWTH TRAFFIC: | - |
| OTHER DEVELOPMENT | |
| TRAFFIC: | - |
| FROM PETITION: | 1,000 |
| TOTAL: | 40,274 |
| PRESENT CAPACITY AT LEVEL | |
| OF SERVICE "D": | 45,000 |
| PRESENT LANEAGE: | 6 Lane |

PALM BEACH COUNTY PUBLIC HEALTH UNIT COMMENTS:

WATER: Water service is available to the property, therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II.

SEWER: Sewer service is available to the property, therefore, no onsite sewage treatment and disposal system (OSTDS) shall be permitted on this site. All existing OSTDS must be abandoned in accordance with Chapter 10D-6FAC and Palm Beach County ECR-I.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: Observations of this site are based upon an October 12, 1995 site inspection. The site has been previously cleared of all significant native vegetation. There are no vegetation issues beyond Code requirements.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

SURFACE WATER AND IRRIGATION CONSERVATION CONCERNS: All new installations of automatic irrigation systems shall be equipped with a water sensing device which will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

FINDINGS: The request does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire/Rescue will provide fire protection.

SCHOOL IMPACTS: No impact anticipated.

Note: Palm Beach County does not possess the authority to deny a development order based upon the adequacy or inadequacy of public school facilities. In addition, the County does not possess the authority to require a residential project to make contributions, such as construction of, or payment for portable classrooms, as a condition of development approval.

PARKS AND RECREATION: No comments.

CONCURRENCY: A Concurrency Extension, 90-03-20-007X1, remains valid subject to the status of the development order.

An Equivalency Determination, EQ95-012, for a 50,760 square foot medical office use; 5,640 square foot professional office use and a 15,000 square foot funeral home has been approved.

FINDING: The request is in compliance with Article 11 (Adequate Public Facilities) of the ULDC.

ZONING EVALUATION:

SITE FACTORS: A 7.44 acre site 243 feet wide with an average depth of 1,335 feet accessed by State Road 7 (441). The site is currently undeveloped.

ADJACENT LAND USE AND ZONING:

NORTH: Comprehensive Plan: Commercial High (CH)
Zoning District: General Commercial (CG/SE)
Supporting: Commercial Center (Westwinds of Boca Shopping Center)

SOUTH: Comprehensive Plan: Low Residential 3 (LR3)
Zoning District: Agricultural Residential (AR)
Supporting: Agricultural Use

EAST: Comprehensive Plan: Low Residential 3 (LR3)
Zoning District: Agricultural Residential (AR)
Supporting: Agricultural Use

WEST: Comprehensive Plan: Low Residential 1 (LR1)
Zoning District: Residential Estate (RE/PUD)
Supporting: Residential (Boca Woods PUD)

SURROUNDING LAND USES: Westwinds of Boca Shopping Center is located to the north. Agricultural uses are located to the south and east. State Road 7 is adjacent to the west property line; Boca Woods PUD is located across State Road 7.

ZONING REQUIREMENTS: Pursuant to the Unified Land Development Code (ULDC) a master plan and/or site plan is required to be certified by the Development Review Committee (DRC) to ensure compliance with conditions of approvable and applicable sections of the ULDC.

PROJECT DESIGN\ANALYSIS: Access to the site is proposed from State Road 7. Cross access is proposed with the Westwinds of Boca Shopping Center to the north. The funeral home is proposed at the east portion of the site. The two (2) medical/professional office structures are proposed at the center and west areas.

FINDINGS: The request is consistent with the ULDC and the stated purpose and intent of the ULDC. The request is compatible as defined in the ULDC. The request is consistent with existing uses and zones surrounding the subject land, and the appropriate zoning district for the land. The request will result in a logical and orderly development pattern.

EXHIBITS

Exhibit A: Legal Description (attached to resolution)
Exhibit B: Vicinity Sketch
Exhibit C: Conditions of Approval

EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-88-1218 (Petition 87-65), R-88-1219 (Petition 87-65), R-89-1162 (Petition 87-65(A)), R-89-1233 (Petition 88-99), and R-89-1234 (Petition 88-99), are hereby deleted. (ONGOING: MONITORING-Zoning)

B. HEALTH

Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (HEALTH)

C. LANDSCAPING - GENERAL

1. All trees required to be planted within the buffers shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. 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. (CO: BUILDING)

D. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING STATE ROAD 7)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. One (1) canopy tree planted every twenty (20) feet on center.
 - b. One (1) palm tree or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet on center. A group of three or more palm and/or pine trees may supersede the requirement for a canopy tree in that location.
 - c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (BUILDING-Zoning)

E. ENGINEERING

1. 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, Zoning Petition 88-99(A), to be paid at the time of issuance of the Building Permit presently is:

- a. Medical & Professional Office shall be 1878 trips/day X \$55.00 per trips = \$103,299
- b. Funeral homes shall be 43 trips/day X \$55.00 per trip = \$2,365.00 (IMPACT FEE COORDINATOR).

2. LANDSCAPE WITHIN MEDIAN

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscape material, installation, and maintenance requirements shall be subject to the standards 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. (BUILDING - Engineering)
- B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All 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 Homeowners'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 on or before the issuance of a Certificate of Occupancy. (BUILDING - Engineering)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (BUILDING - County Attorney)

F. MUPD

1. Total gross floor area shall be limited to a maximum of 71,400 square feet. Expansion shall be limited to five per cent (5%) or 1,000 square feet, whichever is less. (BUILDING-Zoning)
2. All structures shall be limited to a maximum of two (2) stories.

G. SIGNS

1. Freestanding point of purchase signs fronting on State Road 7 shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 150 square feet;

- c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (BLDG PERMIT: BUILDING-Zoning)
2. The freestanding point of purchase sign along SR7/US441 shall identify a maximum of three (3) tenants only. (BLDG PERMIT: BUILDING-Zoning)

H. COMPLIANCE

- 1. 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; 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.

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.
(MONITORING)