

RESOLUTION NO. R-2004-0507

RESOLUTION APPROVING ZONING PETITION DOA/EAC1997-041B
DEVELOPMENT ORDER AMENDMENT
PETITION OF R-M DEVELOPMENT GROUP PARTNERS, LLC
BY BASEHART PLANNING INC, AGENT
(ADDISON / LINTON MEDICAL CTR.)

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 DOA/EAC1997-041B was presented to the Board of County Commissioners at a public hearing conducted on March 25, 2004; 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 has considered the findings in the staff report and 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 voluntary commitments 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 voluntary commitments 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 voluntary commitments 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 complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, with voluntary commitments 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 voluntary commitments 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 DOA/EAC1997-041B, the petition of R-M Development Group Partners, LLC, by Basehart Planning Inc, agent, for a Development Order Amendment/Expedited Amendment Consideration to modify/delete voluntary commitments 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 March 25, 2004, subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on March 25, 2004.

Filed with the Clerk of the Board of County Commissioners on 14 day of April, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

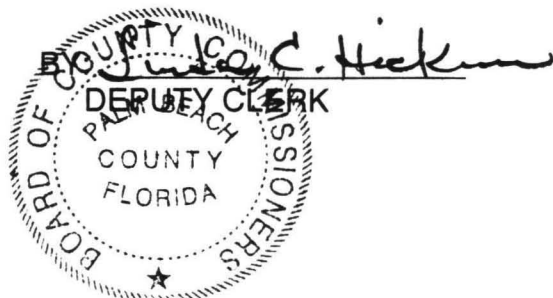


EXHIBIT A
LEGAL DESCRIPTION

LAND DESCRIPTION:

The East 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 27, Township 46 South, Range 42 East, Palm Beach County, Florida.

LESS therefrom, the following Right-of-Way for Lake Worth Drainage District L-36 Canal:

Commencing at the Northeast corner of said Section 27; thence S89°20'14"W, along the North line of said Section 27, a distance of 1340.90 feet; thence S00°36'44"E, along the West line of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 27, a distance of 52.38 feet to the POINT OF BEGINNING; thence continuing along said West line, S00°36'44"E, a distance of 90.02 feet; thence S88°11'26"W, a distance of 335.32 feet; thence N00°36'16"W, along the West line of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of said Section 27, a distance of 90.02 feet; thence N88°11'26"E, a distance of 335.30 feet to the POINT OF BEGINNING.

And LESS therefrom, the following Right-of-Way for Linton Boulevard:

COMMENCING at the Northeast corner of said Section 27; thence S89°20'14"W, along the North line of said Section 27, a distance of 1340.90 feet to the POINT OF BEGINNING; thence S00°36'44"E, along the West line of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 27, a distance of 52.38 feet; thence S88°11'26"W, a distance of 335.30 feet; thence N00°36'16"W, along the West line of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of said Section 27, a distance of 59.09 feet; thence N89°20'14"E, along the North line of said Section 27, a distance of 335.22 feet to the POINT OF BEGINNING.

Together with and subject to, the following Access Easement:

A portion of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 27, Township 46 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Northeast corner of said Section 27; thence S89°20'14"W, along the north line of said Section 27, a distance of 1465.83 feet; thence S00°39'46"E, a distance of 54.88 feet to the Point of Beginning; thence S43°11'16"W, a distance of 28.28 feet; thence S01°48'44"E, a distance of 70.00 feet to a point on the south line of the L-36 Canal Easement; thence S88°11'26"W, along said south line, a distance of 51.00 feet; thence N01°48'44"E, a distance of 70.00 feet; thence N46°48'44"W, a distance of 28.28 feet to the south right-of-way line of Linton Boulevard; thence N88°11'26"E, a distance of 91.00 feet to the Point of Beginning.

Containing 4.1194 acres, more or less.

EXHIBIT B

VICINITY SKETCH
(Zoning Quad Map 37)

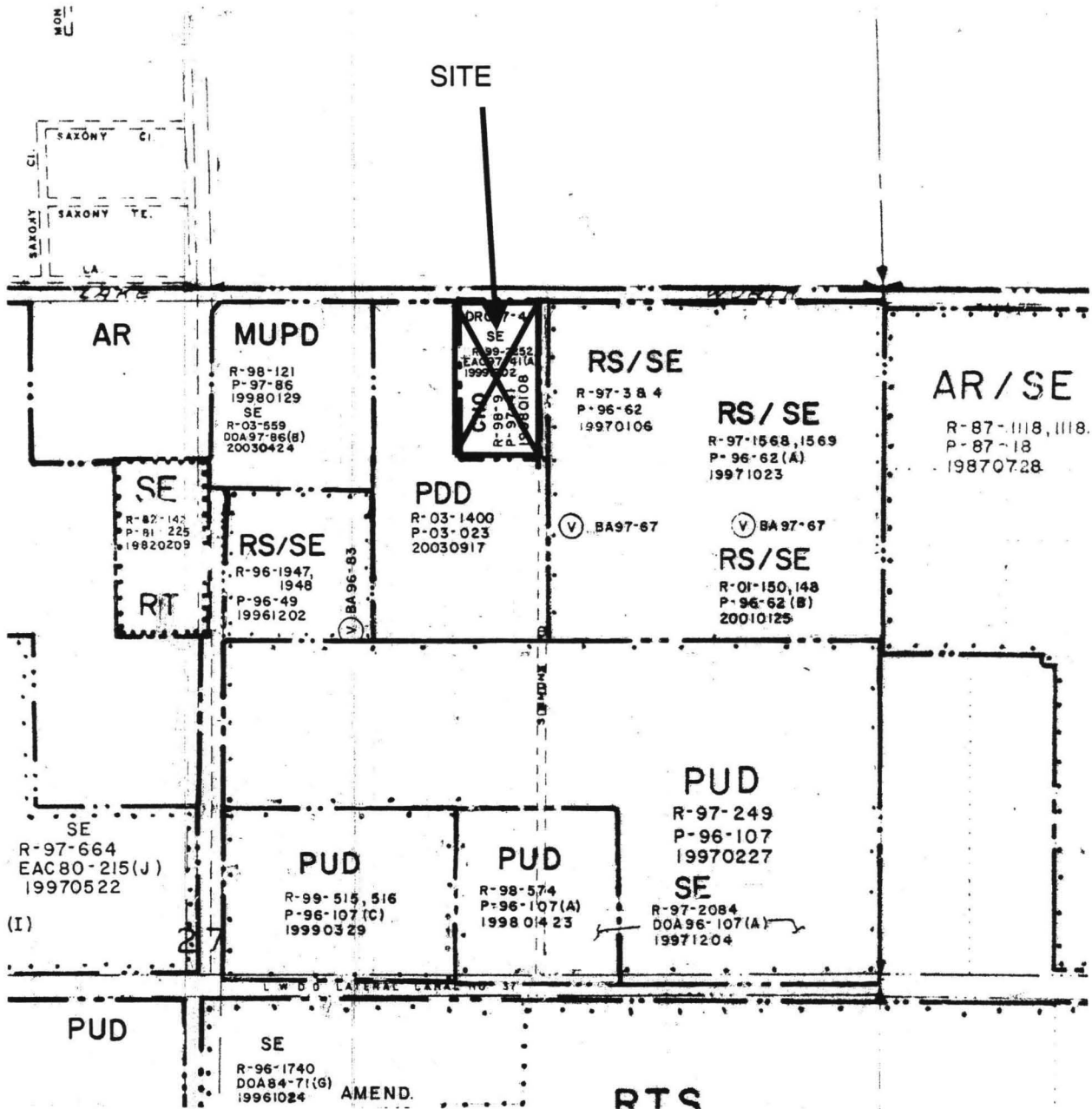


EXHIBIT C

VOLUNTARY COMMITMENTS

NOTE: All previous voluntary commitments are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Voluntary Commitment A.1 of Resolution R-99-2252, Petition EAC1997-041A, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved revised site plan is dated October 29, 1999. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet voluntary commitments or are in accordance with the ULDC. (ONGOING: ZONING- Zoning)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved revised site plan is dated February 20, 2004. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet voluntary commitments or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

2. Voluntary Commitment A.3 of Resolution R-99-2252, Petition EAC1997-041A, which currently states:

Prior to final DRC certification of the site plan, the petitioner is required to submit a site plan showing the revised layout. (DRO: ZONING)

Is hereby deleted. [REASON: Code requirement]

B. BUILDING AND SITE DESIGN

1. Voluntary Commitment B.1 of Resolution R-99-2252, Petition EAC1997-041A, which currently states:

Total gross floor area shall be limited to a maximum of 49,950 square feet. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Replaced by Voluntary Commitment A.1]

2. **The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes, measured from finished grade to highest point, shall not exceed twenty five (25) feet except for the south building. (BLDG PERMIT: BLDG-Zoning) (Previous Voluntary Commitment B.2 of Resolution R-99-2252, Petition EAC1997-041A)**

3. **The maximum height for the south building shall be limited to two story high, and including all air conditioning and mechanical equipment, and satellite dishes shall not exceed thirty five (35) feet measured from finished grade to the highest point of the building. (BLDG PERMIT: BLDG-Zoning) (Previous Voluntary Commitment B.3 of Resolution R-99-2252, Petition EAC1997-041A)**

4. **All air conditioning and mechanical equipment, including satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material.** (CO: BLDG-Zoning) (Previous Voluntary Commitment B.4 of Resolution R-99-2252, Petition EAC1997-041A)

C. DUMPSTER

1. **All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within twenty five (25) feet of the residential property line and shall be confined to the areas designated on the site plan.** (Previous Voluntary Commitment C.1 of Resolution R-99-2252, Petition EAC1997-041A) (DRO/ONGOING: ZONING/CODE ENF - Zoning)
2. **All garbage dumpsters shall be screened from view on three (3) sides by an enclosure made of the same material as the principal structure. The open end of the enclosure shall have an obscuring gate.** (Previous Voluntary Commitment C.2 of Resolution R-99-2252, Petition EAC1997-041A) (DRO: BLDG - Zoning)

D. HEALTH

1. **Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 64E-16FAC.** (ONGOING: HEALTH/CODE ENF - Health) (Previous Voluntary Commitment D.1 of Resolution R-99-2252, Petition EAC1997-041A)
2. **Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC.** (ONGOING: HEALTH/CODE ENF - Health) (Previous Voluntary Commitment D.2 of Resolution R-99-2252, Petition EAC1997-041A)
3. **Generation and disposal of any hazardous effluent into sanitary sewer 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 of owners generating such effluent.** (ONGOING: HEALTH/CODE ENF - Health) (Previous Voluntary Commitment D.3 of Resolution R-99-2252, Petition EAC1997-041A)

E. ENGINEERING

1. **Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Linton Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.** (BLDG PERMIT: MONITORING-Eng) (Previous Voluntary Commitment E.1 of Resolution R-99-2252, Petition EAC1997-041A)
2. **The Developer shall also provide within this project's internal storm water management system an equivalent amount of stormwater runoff for the road drainage of Linton Boulevard. The amount of runoff required to be stored onsite shall be based upon the applicable County Water Control District, South Florida Water Management District and**

Palm Beach County Engineering Requirements. (DRAINAGE REVIEW: ENG - Eng) (Previous Voluntary Commitment E.2 of Resolution R-99-2252, Petition EAC1997-041A)

3. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS
 - 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 the adjacent median of Linton Boulevard right-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. 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 latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. 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 be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Associate and/or Homeowners's Association, or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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 prior to the issuance of a Certificate of Occupancy. (CO: MONITORING-Eng)**
 - C. **If the County does not assume maintenance responsibility, property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING-Eng) (Previous voluntary commitment E.3 of Resolution R-99-2252, Petition EAC1997-041A)**
4. **The Property owner shall construct a right turn lane west approach on Linton Boulevard at the projects entrance road.**
 - A) **This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.**

- B) **Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)**
- C) **Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Voluntary Commitment E.4 of Resolution R-99-2252, Petition EAC1997-041A)**

F. LANDSCAPING-STANDARD

- 1. **All canopy trees required to be planted on site by this approval 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.**
 - d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE-Zoning) (Previous Voluntary Commitment F.1 of Resolution R-99-2252, Petition EAC1997-041A)**

G. LANDSCAPING ALONG NORTH PROPERTY LINE (LINTON BOULEVARD FRONTAGE)

- 1. **Landscaping and buffering along the north property line shall include:**
 - a. **A minimum fifteen (15) foot wide Landscape Buffer strip;**
 - b. **One (1) canopy tree spaces no more than thirty (30) feet on center;**
 - c. **One (1) palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may substitute for a perimeter canopy tree and;**
 - d. **Thirty (30) inch high shrub or hedge material, spaces 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) (Previous Voluntary Commitment G.1 of Resolution R-99-2252, Petition EAC1997-041A)**

H. LANDSCAPING ALONG SOUTH, EAST AND WEST PROPERTY LINES

- 1. **Landscaping and buffering along the above property lines shall include:**
 - a. **A minimum ten (10) foot wide landscape buffer strip. (CO: LANDSCAPE - Zoning) (Previous Voluntary Commitment H.1 of Resolution R-99-2252, Petition EAC1997-041A)**
- 2. **The following landscaping requirements shall be installed in the above landscape buffers:**
 - a. **One (1) canopy tree spaced no more than twenty (20) feet on center;**
 - b. **One (1) palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may substitute for a perimeter canopy tree and;**

- c. **Thirty six (36) inch high shrub or hedge material, spaces no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy two (72) inches.** (CO: LANDSCAPE - Zoning) (Previous Voluntary Commitment H.2 of Resolution R-99-2252, Petition EAC1997-041A)

I. LANDSCAPING - INTERIOR

1. Voluntary Commitment I.1 of Resolution R-99-2252, Petition EAC1997-041A, which currently states:

One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRO: ZONING - Zoning)

Is hereby amended to read:

One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet, except for the parking along the north property line. (DRO: ZONING - Zoning)

2. **Foundation planter strip shall be provided along the front and side facades of all structures. The minimum width of the requirement foundation planter strip shall be five (5) feet. The combined length of the required foundation planter strip shall be no less than 40% of the accumulative length of the structure. All required foundation planter strips shall be planted with a minimum of one (1) tree or palm every twenty (20) feet and appropriate ground cover.** (DRO/CO: ZONING/LANDSCAPE - Zoning) (Previous Voluntary Commitment I.2 of Resolution R-99-2252, Petition EAC1997-041A)

J. LIGHTING

1. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets.** (CO/ONGOING: BLDG/CODE ENF-Zoning) (Previous Voluntary Commitment J.1 of Resolution R-99-2252, Petition EAC1997-041A)
2. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets.** (CO: BLDG-Zoning) (Previous Voluntary Commitment J.2 of Resolution R-99-2252, Petition EAC1997-041A)
3. **All outdoor lighting shall be extinguished no later than 9:00 p.m., excluding security lighting only.** (ONGOING: CODE ENF - Zoning) (Previous Voluntary Commitment J.3 of Resolution R-99-2252, Petition EAC1997-041A)

K. SIGNS

1. **Freestanding sign fronting on Linton Boulevard shall be limited as follows:**
 - a. **Maximum sign height - ten (10) feet;**
 - b. **Maximum total sign face area - one hundred (100) square feet;**
 - c. **Maximum number of signs - one (1).** (CO: BLDG - Zoning) (Previous Voluntary Commitment K.1 of Resolution R-99-2252, Petition EAC1997-041A)

L. USE LIMITATIONS

1. Voluntary Commitment L.1 of Resolution R-99-2252, Petition EAC1997-041A, which currently states:

Use of the site shall be limited to a maximum of 48,500 square feet Medical office or dental clinic or, business or professional office use and 750 square feet Personal Service use and 700 square feet of food service (snack shop) use. (DRO/ONGOING: ZONING/CODE ENF - Zoning)

Is hereby deleted. [REASON: Replaced by Voluntary Commitment A.1]

2. **No business activities (including stocking and delivery operations) shall commence prior to 6:00 a.m. nor continue activities after 9:00 p.m. daily. (ONGOING: CODE ENF - Zoning) (Previous Voluntary Commitment L.2 of Resolution R-99-2252, Petition EAC1997-041A)**

M. 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. Voluntary Commitment M.1 of Resolution R-99-2252, Petition EAC1997-041A, which currently states:

Failure to comply with any of the voluntary commitments 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 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 voluntary commitments reasonably related to the failure to comply with existing voluntary commitments; 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 majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map 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 voluntary commitments.

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.

Is hereby amended to read:

Failure to comply with any of the voluntary commitments 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)