

RESOLUTION NO. R-97- 252

RESOLUTION APPROVING ZONING PETITION PDD96-113  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF DANIEL CATALFUMO  
BY KENNETH BLAIR, AGENT  
(4531 MUPD)

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 notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD96-113 was presented to the Board of County Commissioners at a public hearing conducted on January 30, 1997; 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 recommendation of the Zoning Commission; and

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This **official** zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding **the subject** land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) 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;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. **This official** zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of **the** Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 PDD96-113, the petition of Daniel Catalfumo by Kenneth Blair, agent, for an Official Zoning Map Amendment from Residential Medium (RM) to Multiple Use Planned Development (MUPD) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, **attached** hereto **and** made a part hereof, was approved on January 30, 1997, **subject** to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on February 27, 1997.

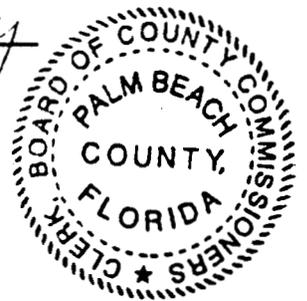
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *D. L. C. C. C.*  
COUNTY ATTORNEY

BY: *Jean Hawley*  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

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**PROPERTY DESCRIPTION:**

**Lots A through E, Tract 96, LESS the South 40 feet of Lot E, Palm Beach Farms Co. Plat No. 7, according to the map or plat thereof as recorded in Plat Book 5, Page 72 of the Public Records of Palm Beach County, Florida.**

**Containing 4.517 acres, more or less.**



E. ENGINEERING

1. Prior to June 1, 1997 or prior to the issuance of the first Building Permit, ~~whichever~~ shall first occur, **the** property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Congress Avenue, 53 feet from centerline along ~~the~~ project's entire frontage, free of all encumbrances **and** encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to **the** Right of Way Acquisition Section to ensure that **the** property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATUBLDG PERMIT: MONITORING -Eng)  
[Note: 53 feet is existing for Congress Avenue.]
2. Prior to the issuance of a building permit for phase ~~two~~, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Congress Avenue at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall **be** free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING - Eng)
3. The Property owner shall construct a right turn lane north approach on Congress Avenue at the projects entrance road.
  - A) This construction shall **be** concurrent with Phase Two paving and drainage improvements for the site (greater than 30000 square feet of building area). 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. (DRAINAGE REVIEW: ENG)
  - B) Permits required by the Florida Department of Transportation and Palm Beach County for this construction shall be obtained prior to the issuance **of** the Building Permit for Phase **2** of the site. (BLDG PERMIT: MONITORING - Eng)
  - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase **2** of the site. (~~CO~~MONITORING - Eng)
4. 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 and shall be consistent with the landscaping theme adopted for this roadway. **All** landscape material, installation, and maintenance requirements shall be subject to the

## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of **the** site is limited to **the** uses and **a** site design as approved by **the** Board of County Commissioners. The approved site plan is dated **January 9, 1997**. 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)

#### B. ARCHITECTURAL CONTROL

1. All buildings **and structures** shall **be** designed and constructed by the use of *common* elements **such** as consistent **forms, colors,** architectural details and landscape materials. (BLDG PERMIT: BLDG - Zoning)
2. Similar architectural character and treatment shall be provided on all sides of **the** buildings. (BLDG PERMIT: BLDG-Zoning)
3. All air conditioning and mechanical equipment 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/LANDSCAPE - Zoning)
4. Interior and exterior storage areas shall be screened from view and integrated into **the** building design to **make** it compatible with the building architecture. (BLDG PERMIT: MONITORING - Bldg/ Zoning)

#### C. BUILDING AND SITE DESIGN

1. The maximum height for **the** two story structure shall not exceed twenty-eight **(28)** feet and the maximum height for **the** three story structure shall not exceed ~~thirty-eight~~ (38) feet, measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. **A** maximum of two buildings shall be permitted on site. (DRC: ZONING)

#### D. HEALTH

1. 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 tenants or owners **generating** such effluent. (ONGOING: HEALTH/CODE ENF)
2. Any biomedical waster **with** may **be** generated at this site shall be properly handled and disposed of in accordance with Chapter 10D-104FAC. (ONGOING: HEALTH/CODE ENF)

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)
5. Drainage design for the site shall incorporate the adjacent property to the north and west and shall be designed so as to not negatively impact these parcels. (BLDG PERMIT: MONITORING - Eng)

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)
- 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 or grey wood, whichever is greater;
  - b. Clusters: staggered heights twelve (12) to eighteen (18) feet;
  - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

**G. LANDSCAPING ALONG EAST PROPERTY LINE (CONGRESS AVENUE)**

1. Landscaping and buffering along the east property line shall consist of the following:
  - a. minimum twenty **(20)** feet wide landscape buffer strip;
  - b. undulating **berm** with an average height of two (2) feet measured **from** the top of **curb**;
  - c. one **(1)** tree for each three hundred square feet buffer area;
  - d. one **(1)** palm or pine tree for each twenty-five **(25)** linear **feet** of frontage with a maximum spacing **of sixty** (60) feet on center between clusters.
  - e. twenty four **(24)** inch high shrub or hedge material installed on the plateau of the berm and maintained at a minimum height of thirty' six (36) inches in height.
  - f. credit may be given for existing or relocated native vegetation provided it meets current ULDC requirements. (DRC/ONGOING: ERM/ LANDSCAPUCODE ENF-Zoning)

**H. LANDSCAPING ALONG SOUTH PROPERTY LINE (MELALEUCA LANE)**

1. Landscaping and buffering along the south property line shall include:
  - a. minimum fifteen **(15)** feet wide landscape buffer strip;
  - b. undulating **berm** with an average height of two (2) feet measured **from** the top of curb;
  - c. one **(1)** tree for each three hundred square feet buffer area;
  - d. one (1) palm or pine tree for each twenty-five **(25)** linear **feet** of frontage with a maximum spacing of ~~sixty~~ (60) feet **on** center between clusters.
  - e. twenty four **(24)** inch high shrub or hedge material installed **on** the plateau **of** the berm and maintained at **a** minimum height of thirty six (36) inches in height.
  - f. credit may be given for existing or relocated native vegetation provided it meets current ULDC requirements. (DRC/ONGOING: ERM/ LANDSCAPE/CODE ENF-Zoning)

**I. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)**

1. Prior to final Development Review Committee certification, **the** petitioner shall submit a Landscape Betterment Plan for the north and west property lines. Landscaping and **buffering** along the **north** and west property **lines** shall be upgraded to include:
  - a. A minimum fifteen **(15)** foot wide landscape buffer strip;

- b. **The** west property line buffer may receive a reduction in the minimum required width for existing landscape buffer on the property to the west, subject to DRC approval. Fifteen **(15)** foot wide landscape buffer strip may be reduced for the Phase **2** portion with credit for existing landscaping on the property to the west ;
  - c. A seven **(7)** foot high opaque concrete wall with both the interior and exterior sides of the wall given a finished architectural treatment.
  - d. Credit may **be** given for existing vegetation provided it meets current ULDC requirements. (DRC/CO: LANDSCAPE - Zoning)
2. The following landscaping requirements shall **be** installed along the required wall:
- a. One **(1)** tree planted on the interior side for each twenty (20) linear feet with maximum spacing of twenty-five **(25)** feet on center;
  - b. **One (1)** palm **or** pine tree planted on **the** exterior side for each **twenty (20)** linear feet, with a maximum spacing of sixty (60) feet on center. **A** group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)
3. The following landscaping requirements shall be installed on both the interior and exterior sides of the required wall:
- a. Thirty (30) **inch** high thorny shrub **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. (CO: LANDSCAPE - Zoning)

J. LANDSCAPING - INTERIOR

- 1. Landscape foundation planting areas shall be provided along **the** facades of **the** buildings. The minimum depth of the planting areas shall be five (5) feet and no **less** than forty percent **(40%)** of the total length of the applicable side of the building's facade. **All** foundation areas shall be planted with a minimum of **one (1)** tree **or** palm every 20 feet on center and include ground cover plant material. (DRC/CO: ZONING / LANDSCAPE)

K. MASS TRANSIT

- 1. **A** Prior to final certification of the preliminary development plan or site plan by **the** Development Review Committee, whichever **occurs** first, the petitioner shall amend the plan to indicate one **or** more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to **the** subject property, if required by the Palm Beach County School Board and/or Palm Tran. (DRC: ZONING)

B. Mass transit access, shelters and/or bus stops, if required, shall **be** constructed by **the** petitioner in a location and manner acceptable to **the** Palm Beach County **School** Board, Palm Tran, and County Engineer prior to issuance of **the** first certificate of occupancy (CO)]. The petitioner **shall accommodate** the requirement for mass transit access, bus shelters and/or **bus** stops by dedicating additional right-of-way, if requested by **the** County Engineer. Provisions for **mass** transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject

property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING - Eng)

L. MUPD

1. To ensure consistency with the site plan dated ~~November 26, 1996~~ January 9, 1997 presented to the Board of County Commissioners, no more than **twenty (20)** percent of the total approved square footage shall be relocated to portions of the site not previously covered. (DRC: ZONING)
2. Prior to issuance of the first building permit, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (BLDG PERMIT: ZONING - Co Att)
3. Prior to issuance of the **first** building permit, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (BLDG PERMIT: ZONING - Co Att)

M. PARKING

1. A maximum of 300 parking spaces shall be allowed on site. (DRC: ZONING)
2. ~~All~~ proposed delivery and/or loading areas shall be screened from view by a twelve **(12)** foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (CO: BLDG - Zoning)
3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF)

N. SIGNS

1. Point of purchase signage 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 - **100** square feet;
  - c. Maximum number of signs - **two (2)**;
  - d. Style - monument style only;
  - e. Location(s) - Congress Avenue only. (BLDG PERMIT: BLDG - Zoning)
2. Wall signs be limited to only the east (Congress Avenue) facade of the buildings. (BLDG PERMIT: BLDG - Zoning)

O. USE LIMITATION

1. Use of the site shall be limited to 60,000 square feet for ~~medical/dental~~ offices or other permitted type offices that generate comparable or less traffic. (DRC: TRAFFIC/ZONING)
2. Office hours open to the public shall not commence prior to 7:00 a.m. nor ~~continue~~ later than 10:00 p.m. daily. Any on-site deliveries or pick-ups shall ~~occur during the~~ office hours open to the public. (ONGOING: CODE ENF - Zoning)

P. 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 standard 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)