

RESOLUTION NO. R-98- 9

RESOLUTION APPROVING ZONING PETITION Z97-41
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF ALEC BLOTNICK, TR
BY ROBERT BASEHART, AGENT
(LINTON MEDICAL CENTER)

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

WHEREAS, Zoning Petition Z97-41 was presented to the Board of County Commissioners at a public hearing conducted on December 4, 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 Standards) of the Palm Beach County Unified Land Development Code; 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 Z97-41, the petition of Alec Blotnick, TR, by Robert Basehart, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) Zoning District to the Commercial High Office (CHO) 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 December 4, 1997 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 8, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

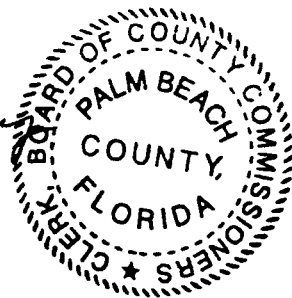


EXHIBIT A
LEGAL DESCRIPTION

THE EAST ½ OF THE NORTHEAST ¼ **OF THE** NORTHWEST ¼ OF THE NORTHEAST ¼ 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 3 6 CANAL:**

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 27, THENCE SOUTH 89°20'14" WEST, ALONG THE NORTH **LINE OF SAID SECTION 27**, A DISTANCE OF 1340.90 FEET, THENCE SOUTH 00°36'44" EAST, ALONG WEST LINE **OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 27**, A DISTANCE OF 52.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, SOUTH 00°36'44" EAST, A DISTANCE OF 90.02 FEET; THENCE SOUTH 88°11'26" WEST A DISTANCE OF 335.32 FEET; THENCE NORTH 00°36'16" WEST, ALONG THE WEST LINE OF THE EAST ½ **OF THE** OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 27, A DISTANCE OF 90.02 FEET; THENCE NORTH 88°11'26" EAST, A DISTANCE OF 335.30 FEET TO **THE** POINT OF BEGINNING (*SAID* LESS PORTION CONTAINS 0.693 ACRES MORE OR LESS).

AND LESS THEREFROM, THE FOLLOWING RIGHT-OF-WAY FOR LINTON BOULEVARD:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 27, THENCE SOUTH 89°20'14" WEST, ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 1340.90 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°36'44" EAST, ALONG WEST LINE OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 27, A DISTANCE OF 52.38 FEET; THENCE SOUTH 88°11'26" WEST, A DISTANCE OF 335.30 FEET; THENCE NORTH 00°36'16" WEST, ALONG THE WEST LINE OF THE EAST ½ OF THE **OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 27**, A DISTANCE OF 59.09 FEET; THENCE NORTH, 89°20'14" EAST ALONG **THE** NORTH LINE OF SAID SECTION 27, A DISTANCE OF 335.22 FEET TO THE **POINT** OF BEGINNING (*SAID* LESS PORTION CONTAINS 0.429 ACRES MORE OR LESS).

THE **ABOVE** RESULTING IN A NET LAND ACREAGE OF 4.1056 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

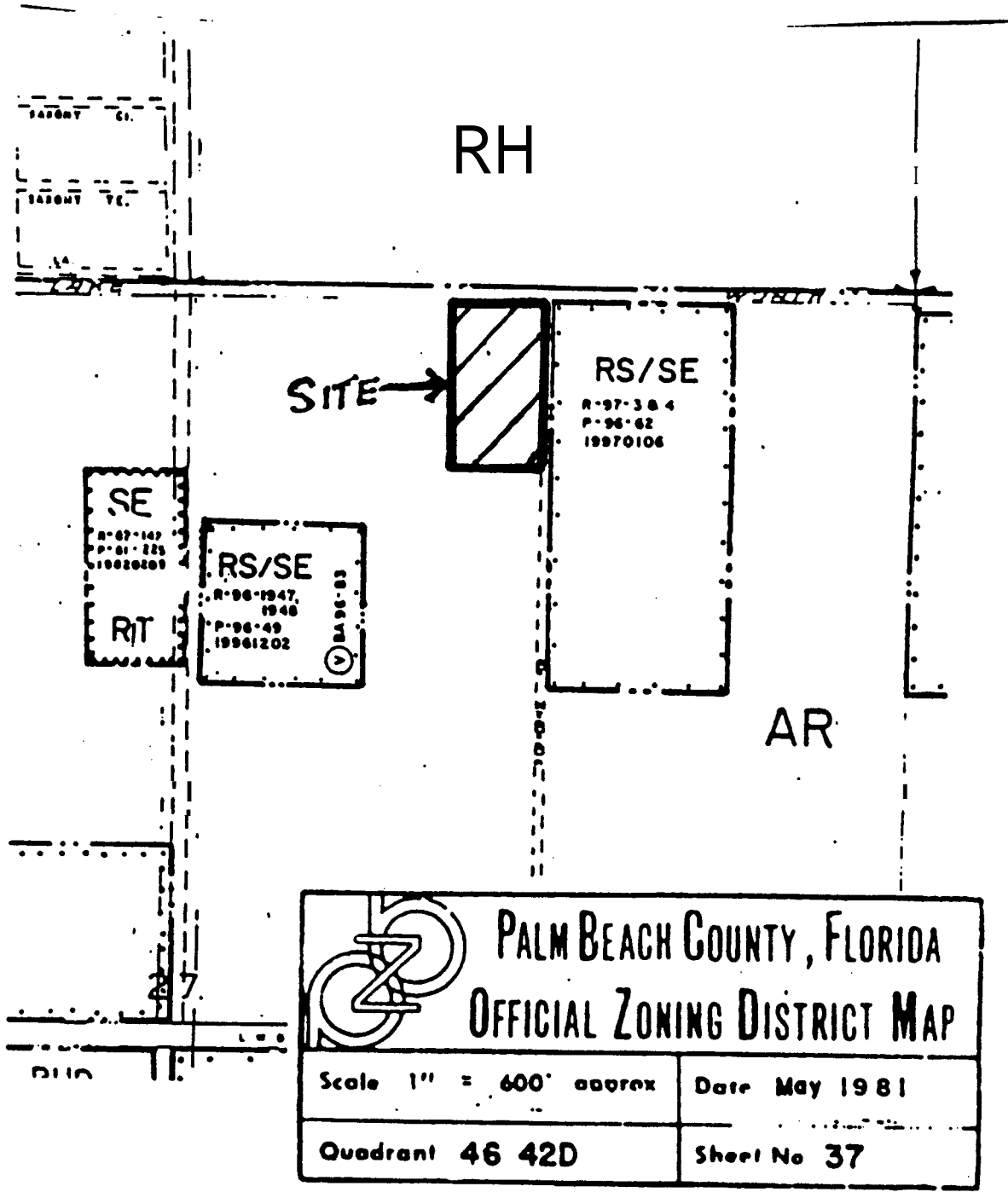


EXHIBIT C

VOLUNTARY COMMITMENTS

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 revised site plan is dated June 6, 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)
2. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available.

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 49,950 square feet. (DRC: ZONING)
2. The maximum height for all structures, measured from finished grade to highest point, shall not exceed twenty five (25) feet except for the south building. (BLDG PERMIT: BLDG - Zoning)
3. The maximum height for the south building shall be limited to two story high, and shall not exceed thirty five (35) feet measured from finished grade to the highest point of the building. (BLDG PERMIT: BLDG - Zoning)
4. 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 - Zoning)

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. (DRC / ONGOING: ZONING / CODE ENF)
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. (DRC: BLDG)

D. HEALTH

1. Any biomedical waste which may be generated from the proposed medical facility shall be properly handled and disposed of in accordance with Rule 10D-104FAC. (ONGOING: HEALTH/CODE ENF)
2. Any toxic or hazardous waste which may be generated from the proposed medical facility shall be properly handled and disposed of in accordance with Rule 62-730FAC. (ONGOING: HEALTH/CODE ENF)

E. ENGINEERING

1. Prior to the issuance of a building permit, the property owner shall obtain at the property owners expense from the Lake Worth Drainage District additional road right-of-way for the construction of a right turn lane on Linton Boulevard at the project's entrance road. This right-of-way shall **be** a minimum of 280 feet in storage length, ~~twelve~~ **twelve** feet in width and a taper length of 50 feet or as approved by the County Engineer and permitted by the Lake Worth Drainage District. **If** the Lake Worth Drainage District does not permit the acquisition of this right of way by the property owner, then this property **owner** shall **be** relieved from this condition. 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)
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)
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 all adjacent **median(s)** of Linton Boulevard right-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. 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 existing 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 building permit to reflect this obligation. (BLDG PERMIT: MONITORING - Eng)
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)
- 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)
- 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 spaced 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, 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:
- 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;
 - b. A six (6) foot high opaque fence or concrete wall. (CO: LANDSCAPE)

2. The following landscaping requirements shall be installed on the exterior side of the required fence or wall:
 - 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, spaced 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)

I. LANDSCAPING - INTERIOR

1. 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. (DRC: ZONING)
2. Foundation planter strip shall be provided along the front and side facades of all structures. The minimum width of the required 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. (DRC / CO: ZONING / LANDSCAPE)

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)
2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 9:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)

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)
2. Wall signs shall be limited to the north facade of the one story building facing Linton Boulevard. (CO: BLDG)

L. USE LIMITATIONS

1. Use of the site shall be limited to 49,950 square feet Medical office or dental clinic or, business or professional office use. (DRC / ONGOING: ZONING / CODE ENF)

2. No business activities (including stocking and delivery operations) shall commence prior to 6:00 a.m. nor continue activities after 9:00p.m. daily (ONGOING: CODE ENF)

M. 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 an) 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 noncompliance, 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 majority vote of the Code Enforcement Board 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. (MONITORING)