

RESOLUTION NO. R-92-192

RESOLUTION APPROVING ZONING PETITION NO. 91-43  
SPECIAL EXCEPTION PETITION OF DANIEL CATALFUMO

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 91-43 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on October 24, 1991; and

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

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 91-43, the petition of DANIEL CATALFUMO, BY ROBERT E. BASEHART, AGENT, for a SPECIAL EXCEPTION TO ALLOW A MEDICAL OFFICE BUILDING on a parcel of land located at the northeast corner of "F" Road and Southern Boulevard, also known as the South 700.00 feet of the west 310.00 feet of Tract 5, Block "K" (LESS the State Road #80 right-of-way, LOXAHATCHEE GROVES, Plat Book 12, Page 29, as in Section 33, Township 43 South, Range 41 East, and being located ON THE E SIDE OF "F" RD., APPROX. .1 MILE N OF SOUTHERN BLVD., was approved on October 24, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.

2. This Special Exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 23). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7 (E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.
3. The petitioner shall submit an application to the Site Plan Review Committee for the certification of the site plan approved by the Board of County Commissioners for this site prior to February 7, 1992.

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 26,000 square feet.
2. The minimum setback for any structure from all property lines shall be fifty (50) feet.
3. The maximum height, from grade to roof line, for all structures shall not exceed thirty-five (35) feet.
4. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the building.
5. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color and character of the principle structure.

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall:
  - a. Not be located within fifty (50) feet of any property line, and shall
  - b. Be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure constructed of brick, concrete, concrete block, or other decorative masonry, or comparable wood or steel, consistent with the architectural character of the development or principal building. The open end of the enclosure shall have an obscure, opaque gate.
  - c. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty-six (36) inch high shrub and hedge material planted twenty-four (24) inches on center. This provision shall not apply to litter containers provided for the convenience of pedestrians.

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Prior to Board of County Commissioners approval the petitioner shall submit a revised site plan addressing the reduction of excess parking and the increase in vegetation preservation on-site.

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable future and existing federal, state and local agency requirements. However, at a minimum, this development shall retain on-site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
2. No access shall be permitted onto State Road 80 (Southern Boulevard).
3. Prior to February 1, 1992 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for Southern Boulevard, 220 feet north of the existing north right-of-way line of the C-51 Canal free of all encumbrances and encroachments. Developer 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
4. The Property owner shall construct "F" Road from Southern Boulevard north to the project's entrance road. This construction shall be to collector street standards a minimum of 2-12 foot travel lanes and shall include a left turn lane, north approach on "F" Road at Southern Boulevard concurrent with on-site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
5. 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 at the time of the Building Permit presently is \$41,030.00 (746 trips x \$55.00 per trip).

6. The property owner shall fund any required signal modifications in conjunction with roadway improvements at the intersection of "F" Road and Southern Boulevard. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division.

F. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, **no well** shall be permitted on the site to provide potable water.

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within **500** feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

H. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall submit a Master Landscape Plan for review and approval by the Zoning Division. The Master Landscape Plan shall demonstrate conformance to all Landscape Code requirements and vegetation preservation conditions of approval.
2. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval.
3. All required trees shall have a minimum height of fourteen (**14**) feet, a minimum caliper **3.5** inches at **4.5** inches above grade and a fully developed **7** foot diameter canopy.
4. The petitioner shall sod and landscape and maintain as a preserve area the ultimate rights-of-way for Southern Boulevard and "F" Road required by condition numbers **E.3.** and **E.4.**, in a manner acceptable to the Zoning Division and the County Engineer. The petitioner shall be relieved of this requirement upon commencement of construction within these rights-of-way.

I. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every ten (**10**) parking spaces. Each landscape island shall be planted with a minimum of one native canopy tree or native palm

tree and appropriate ground cover. The maximum spacing between landscape islands shall not exceed one hundred linear feet.

2. Landscaped divider medians shall be provided between all abutting rows of parking spaces. The minimum width of this median shall be five (5) feet. One native canopy tree or two native palm trees and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center. Existing native vegetation may be used to meet this requirement.
3. All trees within the interior parking area shall be a minimum of fourteen (14) feet in height.
4. Prior to site plan certification, the site plan shall be amended to indicate typical landscape island and divider median planting details, subject to approval by the Zoning Division.

J. LANDSCAPING ALONG NORTH, SOUTH, EAST, AND WEST PROPERTY LINES (ABUTTING RIGHTS-OF-WAY AND/OR RESIDENTIAL USES)

1. Landscaping within the required buffer along "F" Road, Southern Boulevard (SR 80), and Citrus Boulevard shall be upgraded to include:
  - a. One fourteen (14) foot tall native canopy tree planted every twenty (20) feet on center.
  - b. One fourteen (14) foot tall native palm tree for each thirty (30) linear feet of frontage.
  - c. Thirty-six (36) inch tall hedge or shrub material planted twenty-four (24) inches on center.

K. LANDSCAPE WITHIN MEDIAN

1. If permitted by the Florida State Department of Transportation (FDOT) or the County Engineer, the petitioner shall landscape the median of all abutting rights-of-way. This landscaping shall consist of one twelve (12) foot tall native canopy tree for each thirty (30) linear feet of the adjacent median, appropriate ground cover and irrigation. Trees may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the property owner and shall be installed prior to the issuance of the first certificate of occupancy (C.O.) for the site. The petitioner shall obtain written permission from the FDOT or the County Engineer prior to site plan certification.

L. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets.

2. Lighting fixtures shall not exceed twenty (20) feet in height.
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement.

M. PARKING

1. A maximum of 160 parking spaces shall be permitted on-site.
2. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives.
3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan.

N. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.
2. Prior to site plan certification, the site plan shall be amended to indicate an area for the location of a recycle bin.

O. SIGNS

1. Signs fronting on Southern Boulevard shall be limited as follows:
  - a. Maximum sign height - ten (10) feet.
  - b. Maximum total sign face area - 100 square feet.
  - c. Maximum number of signs - one (1).
2. Signs fronting on "F" Road shall be limited as follows:
  - a. Maximum sign height - Eight (8) feet.
  - b. Maximum total sign face area - 80 square feet.
  - c. Maximum number of signs - one (1).
3. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site.
4. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval.

P. SPECIFIC CONDITIONS

1. Prior to site plan certification, the petitioner shall submit a revised site plan reducing the number of parking spaces to no more than 160 spaces and indicating the location of a native upland preserve area/buffer in an area acceptable to the Zoning Division.

Q. TREE SURVEY

1. Prior to site plan certification, the petitioner shall submit a tree survey drawn at the same scale as the site plan. This survey shall number, size and identify all hardwood and palm trees four (4) inches in diameter and greater and all native pine trees four (4) inches and greater in diameter in a tabular form.

R. USE LIMITATION

1. Use of the site shall be limited to 26,000 square feet of medical office space.
2. No storage or placement of any material, refuse, equipment or debris shall be permitted on site.

S. VEGETATION PRESERVATION - GENERAL

1. No structures or utilities shall be located within the preserve area.
2. No native vegetation shall be removed from the preserve area.
3. The petitioner shall reconfigure the parking area or eliminate all excess parking spaces/impervious surface area to allow for the preservation of existing vegetation on site.
4. Terminal islands, divider medians, and landscape islands shall incorporate existing native vegetation to the extent determined by the Zoning Division. Adjustments to the location of landscape islands may occur as the result of acceptance of a Landscape Betterment Plan by the Zoning Division.
5. Native vegetation not located within preservation/relocation areas and deemed relocatable by the Zoning Division, shall be relocated to perimeter buffers or other open space areas on site.
6. The petitioner shall preserve and/or relocate the existing native vegetation on-site and shall incorporate it into the project design. Clearing of native vegetation shall be limited to building pads, retention areas and vehicular use areas only. The areas of preservation shall receive appropriate protection from damage and disturbance in accordance with Zoning Code Section 500.36 during site development.

T. VEGETATION PRESERVATION PROGRAM

1. Prior to site plan certification, the petitioner shall submit the following information:

- a. A detailed vegetation preservation, relocation and removal plan which:
  - 1) Includes the location and verification of the preservation of existing native trees within all perimeter landscape strips, interior landscape islands and medians.
  - 2) Clearly identify all oak, slash pine and cypress trees and whether they are to be preserved, relocated or removed. At a minimum, this plan shall preserve all oaks trees, unless it is determined by the Zoning Director that such trees impose undue constraints on the efficient planning or engineering of the property, at which time the developer shall relocate said tree(s) in accordance with Arbor Society Standards.
  - 3) Preserve or relocate all cypress trees that can be moved with a tree spade.
  - 4) Preserve or relocate all slash pine trees that can be moved with a tree spade.
  - 5) Justify all relocation or removal.
  - 6) Detail methods to be used in relocation, preservation or removal.
2. The preservation or relocation of existing native plant material (including, but not limited to, oaks, pines, sabal palms and cypress, if any), or the installation of new native plant material, into areas designated as vegetation preservation areas **so** as to create a minimum density of one tree per two hundred fifty (**250**) square feet.

U. VEGETATION REMOVAL

1. Prior to issuance of a Vegetation Removal Permit, the property owner shall complete the following:
  - a. All trees to be relocated, preserved, or removed shall be identified in the field, tagged and numbered according to a tree survey.
  - b. Trees to be preserved shall receive appropriate protection during site development. **No** clearing shall commence until all protection devices are installed by the petitioner, and inspected and approved by the Zoning Division.
  - c. **No** vegetation removal or development activity such as trenching, grade changes or grubbing that may cause injury to the vegetation shall be permitted in required buffer areas or preservation areas.
  - d. All tree relocation shall be completed prior to issuance of a building permit for any structure on the site, except as approved by the Zoning Division.



2. Prior to removal **of** any vegetation on site, the petitioner shall coordinate a Pre-clearing Inspection with the Zoning Division and Environment Resources Management.
3. **No** removal of native plant material shall be permitted on the site until the site plan has been certified **by** the Site Plan Review Committee.

V. COMPLIANCE

1. As provided in Zoning Code Sections **400.2** and **402.6**, failure to comply with any of these conditions of approval at any time may result in:
  - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation **of** any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
  - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
  - c. **A** requirement of the development to conform with updated standards of development, applicable 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.
2. Appeals of any **departmental-administrative** actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition **for** writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Roberts moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 4th day of February, 1992.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

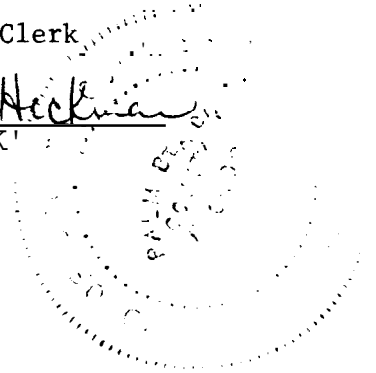
Milton T. Bauer, Clerk

BY:

  
COUNTY ATTORNEY

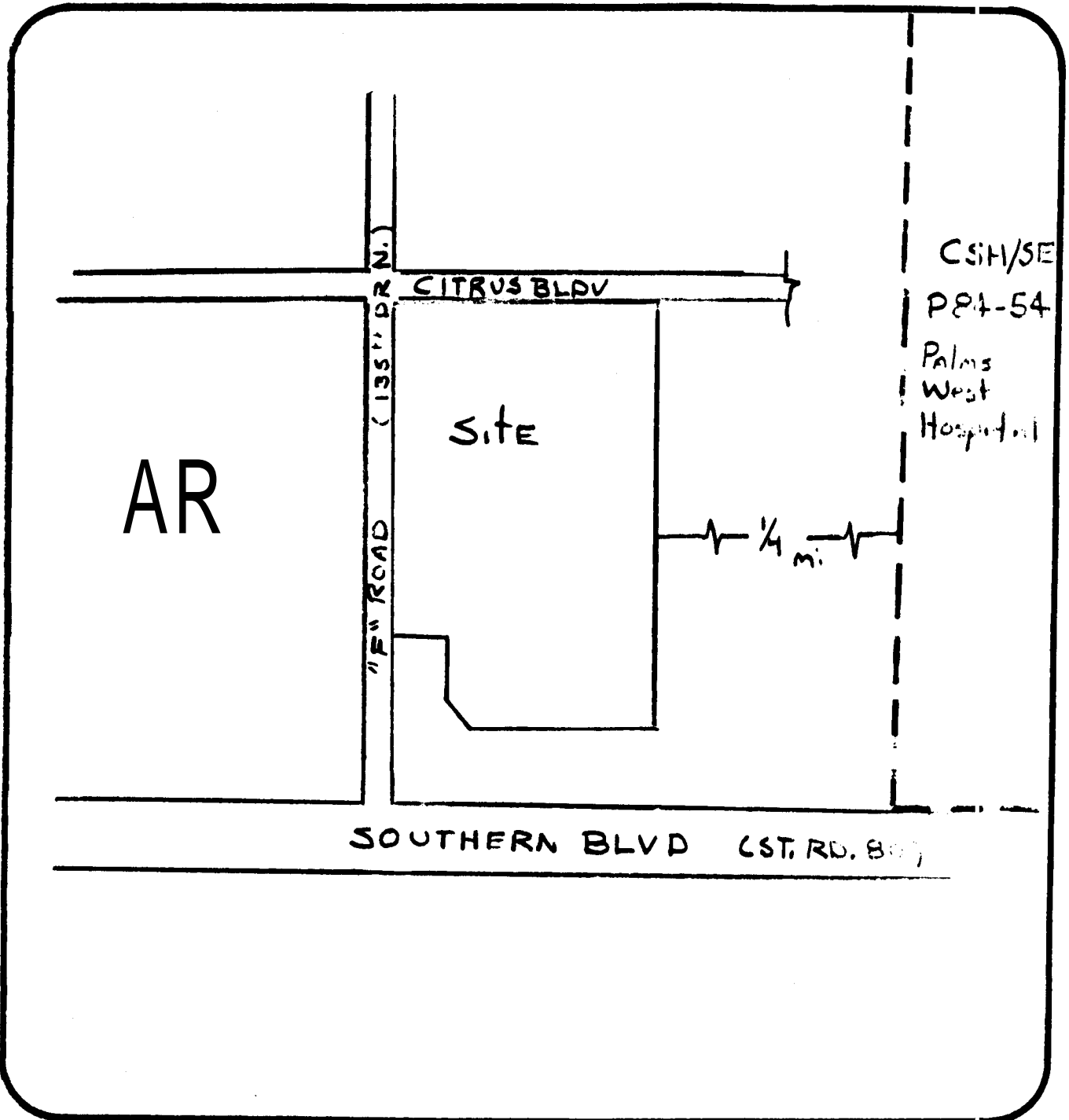
BY:

  
DEPUTY CLERK



Sec. 33 Twp. 43 Rng. 41  
Quadrant Sheet: 76  
Aerial Page:

Vicinity  
Sketch



**Request:**

A REZONING from the AR-Agricultural Residential Zoning District to the RSEB-Rural Services Zoning District and a SPECIAL EXCEPTION to permit a medical office building center,

PETITION NO: 91-43

BCC DISTRICT: 6