

RESOLUTION NO. R-98- 121

RESOLUTION APPROVING ZONING PETITION PDD97-86
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF LINTON JOG ASSOC., INC.
BY RONALD KOLINS, AGENT
(ADDISON CENTRE)

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 PDD97-86 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 1998; 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 PDD97-86, the petition of Linton Jog Assoc., Inc. by Ronald Kolins, agent, for an Official Zoning Map Amendment (PDD) Rezoning from AR to MUPD with financial institutions and professional offices (requested uses) 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 8, 1998, subject to the conditions of approval 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	--	Absent
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 29, 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

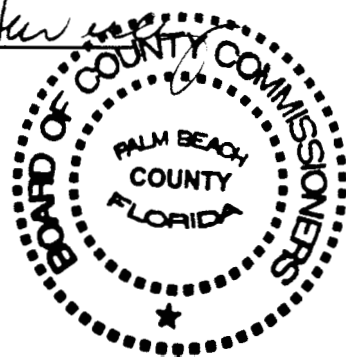


EXHIBIT A
LEGAL DESCRIPTION

LINTON-JOG ASSOCIATES, LTD.

LEGAL DESCRIPTION

PETITION PDD/R97-86

Tract "B", MANOR CARE, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 80, page 102, said lands situate, lying and being in Palm Beach County, Florida.

AND

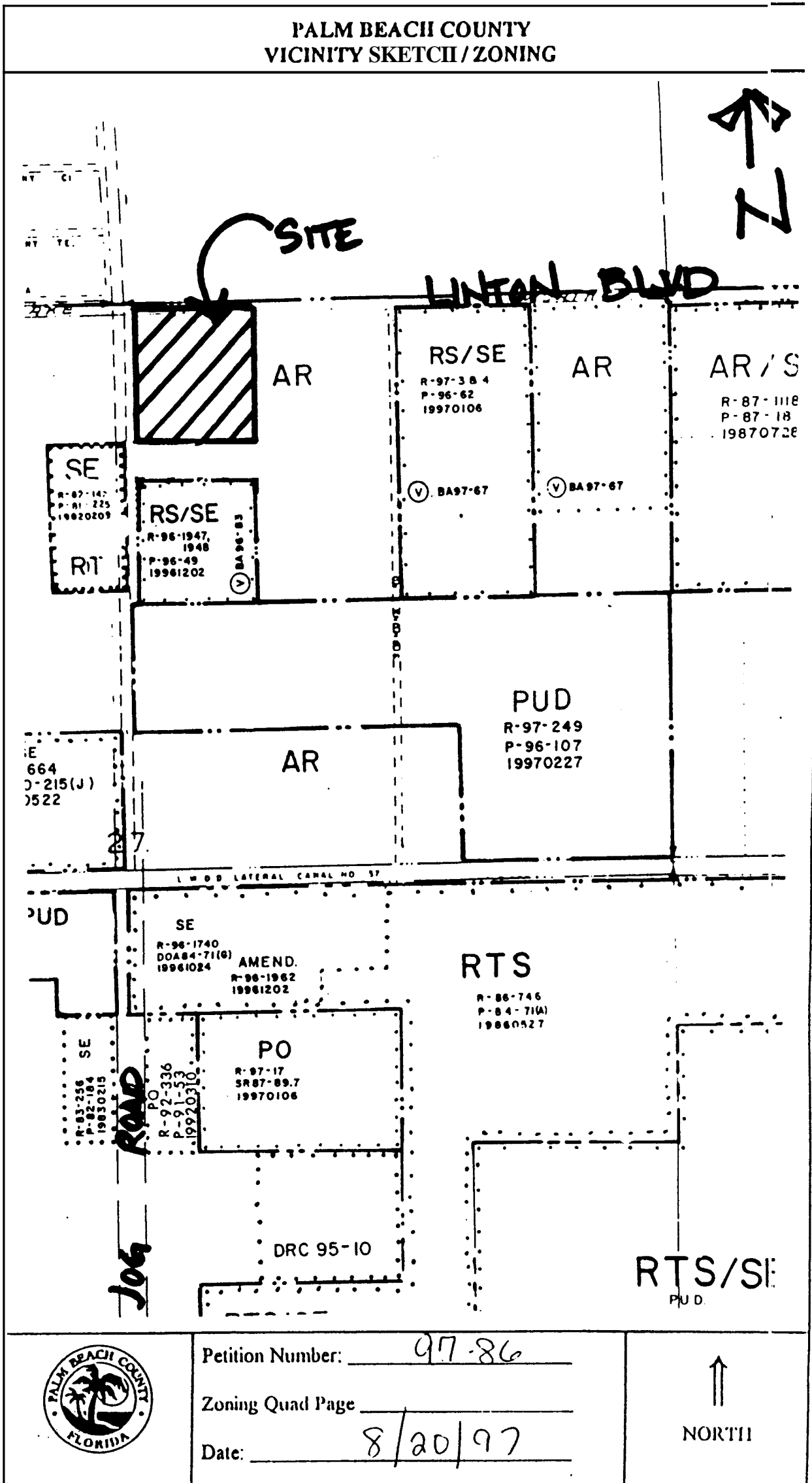
A parcel of land situate in the Northeast One-Quarter (NE 1/4) of Section 27, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast One-Quarter (NE 1/4) of said Section 27, said point being along the centerline of Jog Road (also known as Carter Road) 120.00 feet in width; thence along the North line of said Northeast One-Quarter (NE 1/4) North 89 degrees 20 minutes 24 seconds East, a distance of 670.50 feet to the East line of the Northwest One-Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4) of the Northeast One-Quarter (NE 1/4) of said Section 27; thence departing from said North line and along said East line South 00 degrees 35 minutes 51 seconds East, a distance of 65.79 feet to the Point of Beginning.

From the point of beginning; thence continuing along said East line, South 00 degrees 35 minutes 51 seconds East, a distance of 90.02 feet; thence departing from said East line, South 88 degrees 11 minutes 39 seconds West, a distance of 209.40 feet; thence along a line parallel with and 160.00 feet South of the said North line of the Northeast One-Quarter (NE 1/4) South 89 degrees 20 minutes 24 seconds West, a distance of 385.11 feet to the proposed East right-of-way line of Jog Road, said right-of-way line being parallel with and 76.00 feet East of the West line of said Northeast One-Quarter (**NE**1/4); thence along last said parallel line, North 00 degrees 34 minutes **58** seconds West, a distance of 50.06 feet; thence North 44 degrees 23 minutes 13 seconds East, a distance of 56.52 feet to the proposed South right-of-way line of Linton Boulevard, said right-of-way being parallel with and 70.00 feet South of the aforementioned North line of the Northeast One-Quarter (NE 1/4) of said Section 27; thence along last said parallel line North 89 degrees 20 minutes 24 seconds East, a distance of 344.14 feet; thence North 88 degrees 11 minutes 39 seconds East, a distance of 210.40 feet to the Point of Beginning.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 97-86
 Zoning Quad Page: _____
 Date: 8/20/97



EXHIBIT C

CONDITIONS OF APPROVAL

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 site plan is dated November 4, 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. (ZONING: ZONING)

B. ARCHITECTURAL CONTROL

1. All buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas. Compatibility may be accomplished by using a minimum of three (3) of the following:
 - a. Similar materials for the building facades;
 - b. Similar architectural details and features on the building elevations (i.e. louvers, decorative banding, pilasters or columns, loggia etc.);
 - c. Similar colors; or,
 - d. Similar roof materials and treatment (i.e. pitched roof, dormer;, etc.) (BLDG PERMIT: BLDG-Zoning)
2. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
3. The maximum height for all structures within the Multiple Use Planned Development (MUPD), measured from finished grade to highest point including air conditioning and mechanical equipment, shall not exceed thirty (30) feet, except for the two (2) buildings closest to the east property lines. These buildings may not exceed thirty-five (35) feet, measured from finished grade to highest point including air conditioning and mechanical equipment. (BLDG PERMIT: BLDG -Zoning)
4. There shall be no external ladders mounted on any building. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. (BLDG PERMIT: BLDG - Zoning)
2. A maximum of one (1) satellite dish shall be allowed if completely screened from view of all right-of-ways and residential zoning districts. No roof mounted satellite dish shall be permitted unless completely screened from all sides by the roof parapet. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)
3. Prior to final DRC certification of the preliminary development plan, all retention or detention areas within the LWDD right-of-way, north ninety (90) feet of the site, shall be relocated. (DRC: ZONING - LWDD)

D. 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; and,
 - 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;
 - b. Clusters: staggered heights twelve (12) to eighteen (**18**) feet; and
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. As required by the County Engineer and the Lake Worth Drainage District, Prior to the issuance of a building permit, 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 Linton Boulevard 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". 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 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)

3. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROAD

- A. Prior to issuance of a building permit the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Linton Boulevard. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outline 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 landscaping installation and maintenance requirements shall be subject to the standards as 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. (TC: 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 property Owner its successors, heirs or assigns 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. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: ENG)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to the issuance of the first building permit to reflect this obligation. (PLAT: ENG)
4. 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 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)

F. LANDSCAPING - INTERIOR

1. Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than **40%** of the total length of the applicable exterior side of the structure; and,
 - c. Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty (**20**) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

G. LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ADJACENT TO RESIDENTIAL)

1. Landscaping and buffering along the south and east property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip; and
 - b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - 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, with a maximum spacing of sixty (60) feet on center between clusters; and,
 - 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 forty-eight (48) inches. (CO: LANDSCAPE)
3. Along the interior side of the required wall, the property owner shall install thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (ALONG LINTON BOULEVARD AND JOG ROAD)

1. Landscaping and buffering along the above property lines shall be upgraded to include:
 - a. A minimum twenty (**20**) foot wide landscape buffer strip;
 - b. A minimum one (**1**) to three (3) foot undulating berm, with an average height of two (**2**) feet, measured from the top of the curb;
 - c. One (1) canopy tree planted every twenty (20) feet on center;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters; and,
 - e. 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)

I. 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 and setback a minimum of twenty-five (25) feet from adjacent residentially zoned property lines. (CO: BLDG - Zoning)
3. **All** outdoor lighting shall be extinguished no later than 10:00 p.m., excluding ~~the~~ lighting for the freestanding pharmacy/drug store at the northwest corner of the site and security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

J. LWDD

1. Prior to final DRC certification, a piping, paving and planting agreement shall be approved by the LWDD, the Zoning Division and the County Attorney's office for the site improvements within the ninety (90) foot LWDD right-of-way (ORB 8854, Pages 1333-1350). A copy of the recorded document shall be submitted to the Zoning Division prior to DRC certification. (DRC: ZONING - LWDD)
2. Prior to the issuance of the building permit for each building, written confirmation from the LWDD regarding the validity of the piping, paving and planting agreement shall be provided to the Zoning Division. (BLDG PERMIT: ZONING)
3. The property owner must comply with all ULDC provisions if the piping, paving and planting agreement is revoked. Compliance may result in the reduction of building area or obtaining a variance from the Board of Adjustment for the required improvements. (ONGOING: CODE ENFORCEMENT)

K. MAINTENANCE

1. **All** loading areas shall be clean and well maintained. (ONGOING: CODE ENF - Zoning)

L. MUPD

1. **To** ensure consistency with the site plan dated November 4, 1997 presented to the Board of County Commissioners, no more than ten (10) percent of ~~the~~ total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING)
2. Overnight storage or parking of delivery vehicles, trucks or trailers shall ~~not be~~ permitted on site, except within designated loading and delivery areas. (CODE ENF)

3. Prior to certification of the preliminary development plan by the Development Review Committee, 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. (DRC: ZONING - Co Att)
4. Prior to certification of the preliminary development plan by the Development Review Committee, 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. (DRC: ZONING - Co Att)

M. PLANNING

1. The property shall be limited to the following uses pursuant to the Declaration of Restrictions as recorded in ORB 9624 PAGE 1022, Public Records of Palm Beach County:
 - a) Bookstore
 - b) Office Building(s) (medical or non-medical uses or combination thereof)
 - c) Bank and/or other types of general financial institutions (e.g. brokerage)
 - d) Medical Supply Store/Retail
 - e) Drug Store (free standing)
 - f) Florist
 - g) HMO or similar type of clinic
 - h) Post Office
 - i) Adult Day Care
 - j) Computer Retailer (ONGOING: PLANNING)

N. SIGNS

1. No advertising flags, foreign flags, pennants, banners, streamers or balloons shall be permitted on site. No gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors or upon any building, vehicle or wall, or other than inside a window as may be permitted by the Sign Code. Also, flashing signs, electronic message boards, etc., shall not be permitted on-site. (ONGOING: CODE ENF)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)
3. All freestanding signs (i.e. point of purchase, entrance wall and directory) fronting on Jog Road 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 for sign closest to south property line and 80 square feet for sign at northern entrance driveway (Common Drive) from Jog Road;
 - c. Maximum number of signs - **Two** (2);
 - d. Style - Monument style only ; and,

- e. Location - 100' north of the south property line for the 100 square foot sign and within 25' of the northern access driveway (Common Drive) from Jog Road for the 80 square foot sign. (CO: BLDG)
4. All freestanding signs (i.e. point of purchase, entrance wall and directory) fronting on Linton Boulevard shall be limited as follow:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet for sign closest to east property line and 80 square feet for sign at entrance driveway from Linton Boulevard;
 - c. Maximum number of signs - Two (2);
 - d. Style - monument style only; and,
 - e. Location - 80' west of the east property line for the 100 square foot sign and within 25' of the access driveway from Linton Boulevard for the 80 square foot sign. (CO: BLDG)
 5. The freestanding sign (i.e. point of purchase, entrance wall and directory) fronting on the northwest corner of the site (intersection of Linton Boulevard and Jog Road) shall be limited as follow:
 - 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 - One (1); and,
 - d. Style - Monument style only. (CO: BLDG)
 6. Wall signage mounted on buildings and drive-thru canopies shall be limited as follow:
 - a. Maximum sign area of 100 square feet per sign;
 - b. Location - North and west building facades only ;and,
 - c. Maximum number of signs - One (1) per facade of each building. CO: BLDG)

O. USE LIMITATION

1. Use of the site shall be limited to the following:
 - a. 91,960 square feet of professional office;
 - b. 5,400 square feet of financial institution with drive thru lanes; and,
 - d. 15,120 square feet of retail pharmacy/drug store with drive thru lanes. (DRC: ZONING)
2. Hours of operation, including deliveries, shall be limited to 6:00 a.m. to 10:00 p.m. daily, excluding the freestanding pharmacy/drug store at the northwest corner of the site. (ONGOING: CODE ENF -Zoning)
3. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of buildings, parking lots or access ways of the site. (ONGOING: CODE ENF - Zoning)
4. No Repair or maintenance of vehicles shall be permitted on site. (ONGOING: CODE ENF - Zoning)
5. No outdoor retail business activities, excluding deliveries, shall be permitted on site. (ONGOING: CODE ENF - Zoning)

6. The freestanding pharmacy/drug store shall be located at the northwest corner of the site. (DRC: ZONING)
7. No beer, wine, or liquor sales shall be allowed on the **site** after 10:00 p.m. daily. (ONGOING: CODE ENF)

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 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 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 ULCC, 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)