

RESOLUTION NO. R-2008-0274

RESOLUTION APPROVING ZONING APPLICATION Z2007-1598  
(CONTROL NO. 2006-0366)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
APPLICATION OF LAKE WORTH DRAINAGE DISTRICT, RICHARD PRIBELL  
MILLER LAND PLANNING, AGENT  
(PARK VISTA PLACE)

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 applications relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application Z2007-1598 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 2008; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) 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 official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan, contingent upon the approval of Small Scale Land Use Amendment SCA 2008-015;
2. This official zoning map amendment (rezoning) is consistent with the stated purpose, intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations;
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment;
5. 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;
6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern; and,
7. This official zoning map amendment is consistent with applicable Neighborhood Plans.

8. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application Z2007-1598 the application of Lake Worth Drainage District, Richard Pribell by Miller Land Planning, Agent, for an Official Zoning Map Amendment from the Agricultural Residential Zoning District and Single Family Residential with a Special Exception for a Planned Unit Development Zoning District to the Institutional Public Facility Zoning District with a CONDITIONAL OVERLAY ZONE 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 February 28, 2008, subject to the conditions of the CONDITIONAL OVERLAY ZONE described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	- Aye
John F. Koons, Vice Chair	- Aye
Karen T. Marcus	- Aye
Robert J. Kanjian	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Jess R. Santamaria	- Aye

The Chairperson thereupon declared that this resolution shall not become effective until Small Scale Land Use Amendment No. 2008-015 (JOG/JOE DELONG INSTITUTIONAL A.K.A. PARK VISTA PLACE) is effective.

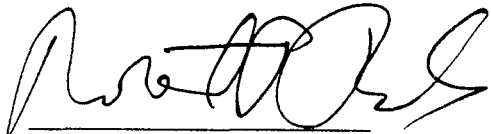
Filed with the Clerk of the Board of County Commissioners on March 14, 2008.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

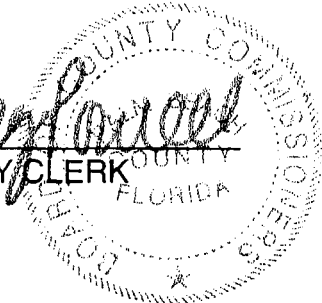


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTIONS 10 AND 15, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, INCLUDING A PORTION OF TRACT 1, LYING EAST OF JOG ROAD AND NORTH OF JOE D. LONG BOULEVARD, BLOCK 47, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

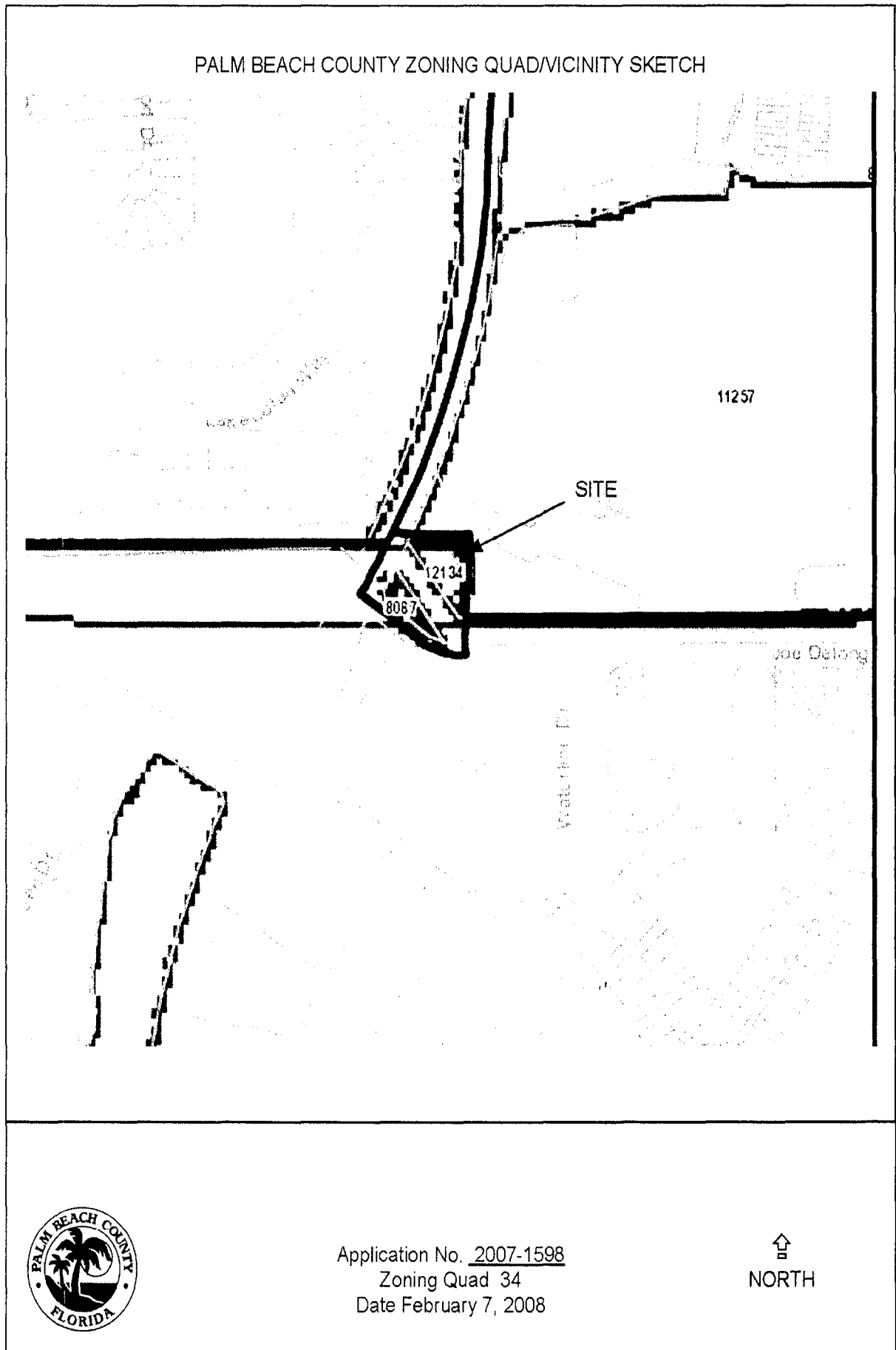
TOGETHER WITH THAT PORTION OF THE 25 FOOT ABANDONED ROAD LYING NORTHERLY AND EASTERLY OF THAT PORTION OF SAID TRACT 1, LYING EAST OF JOG ROAD AND NORTH OF JOE D. LONG BOULEVARD THE BLOCK 47, AS ABANDONED BY RESOLUTION RECORDED IN O.R. BOOK 5036, PAGE 20, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 15; THENCE ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 15, SOUTH  $00^{\circ} 20' 28''$  WEST, FOR 80.00 FEET; THENCE SOUTH  $89^{\circ} 46' 42''$  WEST, FOR 14.91 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 220.00 FEET; THENCE WESTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF  $33^{\circ} 56' 16''$ , FOR 130.32 FEET TO A POINT OF TANGENCY; THENCE NORTH  $56^{\circ} 17' 02''$  WEST, FOR 161.40 FEET; THENCE NORTH  $11^{\circ} 53' 36''$  WEST, FOR 34.98 FEET TO THE EASTERLY RIGHT OF WAY OF JOG ROAD, RECORDED IN OFFICIAL RECORD BOOK 4456, PAGE 581 OF SAID PUBLIC RECORDS, BEING A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2560.00 FEET, A RADIAL LINE BEARS NORTH  $57^{\circ} 30' 11''$  WEST; THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE OF JOG ROAD AND ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF  $04^{\circ} 17' 42''$ , FOR 191.90 FEET TO THE NORTH LINE OF SAID BLOCK 47; THENCE ALONG SAID NORTH LINE, NORTH  $89^{\circ} 42' 27''$  EAST, FOR 197.40 FEET TO THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 10; THENCE ALONG SAID QUARTER SECTION LINE, SOUTH  $03^{\circ} 20' 50''$  WEST, FOR 247.83 FEET TO THE POINT OF BEGINNING.

OVERALL PROPERTY BEING SITE PLANNED CONTAINING 71,476 SQUARE FEET, 1.640 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RIGHTS OF WAY AND RESERVATIONS OF RECORD.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved preliminary site plan is dated December 17, 2007. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the Medical/Dental building shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate south and southwest pedestrian accesses to the building with the following features at each entrance: a) trellis with climbing vine on both sides; b) a minimum of one bench. (DRO: ARCH. REVIEW - Zoning)
3. The exterior elevations of all buildings shall combine the gutters and downspouts into the architectural design of the building. Painting the gutters shall not constitute compliance. (DRO: ARCH REVIEW - Zoning)
4. Prior to DRO approval the submitted architectural elevations for the Medical/Dental building shall indicate sloped roof forms including gable and hip roof treatment, or modified parapets to resemble a mansard roof form look per the Boynton Beach Turnpike Interchange Corridor Design Guidelines and Standards Manual, dated March 10, 2003 (DRO: ARC REVIEW- Zoning)
5. Prior to DRO approval the submitted architectural elevations for the Medical/Dental building shall indicate earthtone colors consistent with the color palette of the adjacent Palm Beach County Sheriff Substation and Park Vista High School. (DRO: ARC REVIEW/ Zoning)

#### BUILDING AND SITE DESIGN

1. Prior to final site plan approval the site plan shall be amended to indicate decorative pavers or decorative stamped pavement at the Jog Road entryway. (DRO: ARCH - Zoning)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after February 24, 2011. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. Landscape Within the Median of Jog Road

- a. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Jog Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph D below. (ONGOING)
- b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
- c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
- d. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING)
- e. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Jog Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING)

3. Prior to issuance of a Building Permit, the Property Owner shall plat the subject property into one legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. A recorded plat waiver is also acceptable, provided this property is eligible for a plat waiver in accordance with the provisions of the ULDC as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)

LANDSCAPE – STANDARD

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. Prior to final approval by the Development Review Officer (DRO), a variance shall be reviewed and approved, for any Landscape Code requirements that can not be installed due to the encroachment of the easement for the LWDD L-20 Canal. (DRO: ZONING-Landscape)

3. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)
4. All palms required to be planted on the property 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. (BLDG PERMIT: LANDSCAPE - Zoning)
5. LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF JOG ROAD) In addition to the code requirements the proposed landscaping and buffer width along the west property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted (with the exception of the traverse crossing of the LWDD right of way for the L-20 canal);
  - b. a minimum one and one half (1.5) to two and one half (2.5) foot high undulating berm with an average height of two (2) feet and a continuous two (2.0) foot high berm along the north 100 feet of the Jog Road frontage; and,
  - c. one (1) flowering tree south of the Jog Road entryway. (BLDG PERMIT: LANDSCAPE - Zoning)
6. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF JOE DELONG BLVD)

In addition to the code requirements the proposed landscaping and buffer width along the south property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) foot high continuous berm; and,
- c. one (1) palm for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

#### LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed twenty -five (25) feet in height measured from finished grade to highest point. Fixtures shall be decorative and compatible with building design. (BLDG PERMIT: BLDG - Zoning)

#### PLANNING

1. The project will be limited to 16,000 square feet of Medical Office uses. (DRO/ONGOING: PLANNING Planning)

#### SIGNS

1. Prior to final approval by the Devepment Review Officer (DRO) approval, the monument sign shall be re-designed to include architectural elements used in the building design and wall signs will be deleted. (DRO: ARCH. REVIEW - Zoning)
2. Freestanding signs fronting on Jog Road shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. maximum sign face area per side - one hundred (100) square feet;

- c. maximum number of signs - one (1);
  - d. location - within one hundred feet (100) feet of the access point on Jog Road; and,
  - e. no changeable copy and,
  - f. style - monument style only. (BLDG PERMIT: BLDG - Zoning)
3. Outside tenant entrances shall be limited to one (1) individual non-illuminated identification plaque with a maximum dimension of one (1) foot by one and one-half (1.5) feet. (BLDG PERMIT: BLDG - Zoning)

## COMPLIANCE

1. In granting this approval, the Zoning Commission 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 Zoning Commission for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)