

RESOLUTION NO. 2024-42

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE APPLICATION FOR SITE PLAN APPROVAL TO CONSTRUCT A ONE-STORY 9,695 MEDICAL OFFICE BUILDING WITHIN IN A MIXED USE DEVELOPMENT – OFFICE (MXD-O) ZONING DISTRICT, LOCATED APPROXIMATELY 500 FEET SOUTH OF CHICKASAW ROAD AT 3581 S. JOG ROAD, AS REQUESTED BY THE PETITIONER, PATRICIA LENTINI, AGENT FOR THE OWNER, SOMA INVESTORS, LLC; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Patricia Lentini., hereinafter "Petitioner", as agent for the owner, The Soma Investors, LLC, has made an application for Site Plan approval for construction of a one-story 9,695 Medical Office Building within a Mixed Use Development – Office (MXD-O) zoning district, located approximately 500 feet south of Chickasaw Road at 3581 S. Jog Road; and

WHEREAS, the petitioner presented this matter to the Development Review Committee of the City of Greenacres which provided comments to the Planning, Engineering, and GIS Division which, in turn, recommended approval of the Site Plan to allow for construction a one-story 9,695 Medical Office Building located approximately 500 feet south of Chickasaw Road at 3581 S. Jog Road with the conditions identified herein; and

WHEREAS, the Planning and Zoning Board of Appeals held a public hearing August 8, 2024, reviewed the Petitioner's request, and made a recommendation on the petition with a vote of 5 to 0; and

WHEREAS, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Site Plan for construction of a one-story 9,695 Medical Office Building within a Mixed Use Development – Office (MXD-O) zoning district located approximately 500 feet south of Chickasaw Road at 3581 S. Jog Road, subject to the conditions of approval and staff recommendation at the August 19, 2024 Public Hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The Petition, SP-23-04, a Site Plan is hereby APPROVED for construction of a one-story 9,695 Medical Office Building within a Mixed Use Development – Office (MXD-O) zoning district located approximately 500 feet south of Chickasaw Road at 3581 S. Jog Road, subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by resolution for real property as follows:

Legal Description

PCN: 18-42-43-27-05-022-0413

The North 150 feet of the South 300 feet of Tract 41, Block 22, The Palm Beach Farms Co Plat No. 3, According to the Map or Plat thereof, as recorded in Plat Book 2, Page 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida.

CONTAINING A TOTAL OF 1.15 ACRES MORE OR LESS.



Subject site outlined in red dashed lines

SECTION 2. All resolutions in conflict herewith are hereby repealed.

SECTION 3. This resolution shall be effective upon its adoption subject to the following conditions, which shall be responsibility of and binding upon the Applicant, its successors, or assigns:

1. The most stringent requirements of this DNS Staff Report and Recommendation dated July 25, 2024, and strict compliance with the Site and Development Plan exhibits stamped approved by the City of Greenacres on _____, _____ and listed below, which are attached hereto and made part hereof as Exhibit "A"
 - A. SP-23-04 Soma Medical Office Building **Site Plan**, Sheet SP-1 and SP-2, received by DNS on July 12, 2024, and prepared by M. Troy Holloway of 2GHO
 - B. SP-23-04 Soma Medical Office Building **Landscape/Irrigation Plan**, Sheets LP-1 through LP-2, and IR-1 received by DNS on July 12, 2024, and prepared by Jack Wensell of the Wensell Group Landscape Architecture
 - C. SP-23-04 Soma Medical Office Building **Photometric Plan**, Sheet SL-1, received by DNS on July 12, 2024, and prepared by Fernando Prieto of Team Architecture
 - D. SP-23-04 Soma Medical Office Building **Architectural Plan**, Sheets A-200, received by DNS on July 12, 2024, and prepared by Fernando Prieto of Team Architecture
 - E. SP-23-04 Soma Medical Office Building **Master Sign Plan**, Sheets MSP-1 through MSP-7, received by DNS on July 12, 2024, and prepared by Fernando Prieto of Team Architecture
 - F. SP-23-04 Soma Medical Office Building **Civil/Engineering Plan**, Sheets C1 through C11, received by DNS on July 12, 2024, and prepared by Todd McLeod of McLeod McCarthy & Associates, P.A. Civil Engineers
2. Permits from the South Florida Water Management District (SFWMD), Lake Worth Drainage District (LWDD), and Palm Beach County Land Development, as required, for the stormwater management system must be obtained prior to the issuance of an Engineering Permit. (Engineering)
3. Permits from the Health Department for modifications to the water and sewer system must be obtained prior to the issuance of an Engineering Permit. (Engineering)
4. An Engineering Permit, issued by the City of Greenacres, is required prior to any sitework or construction activities outside of the proposed structures and work related to subdivision and/or development improvements taking place. The Engineering Permit must be closed out before any Certificates of Occupancy (CO) are issued for any buildings or structures. No Engineering Permit shall be issued for construction or work until an approved cost estimate and a bond for all sitework has been posted. (Engineering)
5. Complete drainage calculations addressing water quality and quantity in accordance with the requirements of SFWMD and City of Greenacres must be submitted for review along with complete paving and drainage construction plans and subsurface investigation with percolation test must be submitted with the application for Engineering Permits. (Engineering)

6. The Site and Development Plan shall be revised as necessary and as otherwise noted herein to reflect all conditions of approval and re-submitted prior to the issuance of Engineering Permits and Building Permits. (Planning, Building, Engineering and Public Works)
7. In accord with the requirements of the National Pollution Discharge Elimination System (NPDES), best management practices shall be used to control runoff from construction activities. An NPDES Permit shall be provided to the City, prior to any site activity, as part of the Engineering Permit. (Planning, Engineering, Building and Public Works)
8. Any site permits required and/or obtained shall be maintained in an active status with the respective permitting agency until all the work covered by the permit is satisfactorily completed, any applicable inspections passed, and officially closed out with the City. (Building, Planning, Engineering and Public Works)
9. The project shall participate in the City Tree Dedication Program per Section 16-1293; prior to the issuance of any Building Permit, one (1) tree to be donated per 1,000 sq. ft. of building area or fraction thereof, therefore **ten (10) Live Oaks or equivalent cash payment shall be donated to the City** subject to the following specification: Live Oak, Florida Grade #1 Container Grown; minimum 12 ft. high; 2-inch diameter trunk at 4 ft.; and 5 ft. spread. (Planning and Building)
10. The project shall be required to pay the City's impact fee of \$2.80 per square foot of gross floor area per Section 16-201. The amount of **\$27,146** shall be paid, prior to the issuance of Building Permits. (Planning and Building)
11. The project shall be required to pay the City's Arts in Public Places (AIPP) public art fee if the total construction costs is two hundred fifty thousand dollars (\$250,000) or greater, in accordance with Section 16-661. If applicable, the public art fee shall be equal to one (1) percent of the total construction costs of the project. The contribution shall be placed in the city's public art fee fund and the contributor shall have no input in the use of such funds. The contribution shall be divided into two (2) payments as follows:
 - A. **Prior to Building Permit Issuance:** The developer shall submit to the building division/finance department a preliminary certification of the total construction costs. This preliminary certification shall be used to calculate the developer's initial payment of thirty (30) percent of the contribution. The developer shall make this initial payment to the building division/finance department prior to the issuance of the building permit.
 - B. **Prior to Issuance of the Final Certificate of Occupancy:** The developer shall submit to the building division/finance department a final certification of the total construction costs. This final certification shall be used to calculate the outstanding portion of the contribution. The developer shall pay the outstanding portion of the contribution prior to the issuance of the final certificate of occupancy for the project.

12. Utilities shall be provided underground and sufficient in size to properly serve the site. Appurtenances to these systems which require above-ground installation must be effectively screened from view. If it is determined by the City that the screening does not effectively mitigate the impact, additional screening may be required. (Planning, Engineering and Building)
13. All utilities and services to the site shall be provided by entities holding valid franchise agreements with the City. (Engineering and Building)
14. Any portions of the existing site drainage system to remain shall be cleaned to ensure efficient operation. Existing stormwater drain pipes that are no longer in service shall be removed. (Engineering)
15. The building must be provided with an automatic fire sprinkler system and a monitored fire alarm system. In addition, the building shall have a Knox box keyed for the City of Greenacres at the entrance. The order form shall be obtained from the City's Fire Marshal. (Fire Rescue)
16. For roofing materials, all exterior roof surfaces shall be either rated by the Cool Roof Rating Council or labeled as an Energy Star qualified roof product and be in accordance with the Florida Building Code. This excludes portions of the roof acting as a rooftop deck, green roof, or any area of a roof utilized by photovoltaic and solar equipment. Product specifications for roofing materials must be submitted and approved as part of the roofing-related Building Permit submittals. (Planning and Building)
17. All rooftop equipment shall be completely screened from view on all sides. All ground mounted mechanical equipment (air conditioning, backflow preventer, etc.) shall be screened from view. No equipment shall be taller than the proposed screening. (Planning and Building)
18. The dumpster enclosure walls shall match the finish, color and design elements of the building walls and trim, per Section 16-757. (Planning)
19. The hours of operation and delivery hours shall be limited to 6:00 a.m. to 8:00 p.m. Monday through Saturday. (Planning and Building)
20. Landscaping shall be maintained in perpetuity in accordance with the City's Landscaping Regulations and the approved Landscaping Plan, including specifications for plant size, number, location, and type of landscaping material. All plant life shown on an approved landscape plan shall be replaced if it dies, is seriously damaged, or removed. All plant material shall be kept reasonably free of visible signs of pests, infestation, or disease. (Planning)
21. A certified cost estimate by a FL Registered Landscape Architect or Engineer, for the project's landscape materials, installation, irrigation and labor to establish a 1-year maintenance financial guarantee or financial security in a form acceptable to the City Attorney in the amount of 110% of the estimate shall be posted for the project's landscaping, in

addition to the other bonds required for site improvements. The owner shall provide this financial guarantee or financial security before the City performs any landscape inspection or issues a Certificate of Occupancy. If project's landscaping is not maintained, the City may use the financial guarantee or financial security to maintain or replace dead or unacceptable landscape materials and irrigation components after providing written notice to the property owner. (Planning and Engineering)

- a. The project Landscape Architect shall conduct a field inspection at substantial completion of the project to verify that the landscape and irrigation installation complies with the approved plans and is healthy and flourishing before the project's 1-year maintenance financial guarantee/security period begins. The project Landscape Architect shall then submit a Certificate of Compliance letter to the City of Greenacres and request a final City inspection of the landscape installation.
 - b. The project Landscape Architect shall conduct an interim field inspection near the 6-month mark of the project's 1-year maintenance period to verify that the landscape and irrigation installation continues to comply with the approved plans and is healthy and flourishing. The project Landscape Architect shall then submit a Certificate of Compliance letter to the City of Greenacres and request an interim City re-inspection of the maintained landscaping at the 6-month mark of the maintenance financial guarantee/security period.
 - c. The project Landscape Architect shall conduct a field inspection near the completion of the project's 1-year maintenance period to verify that the landscape and irrigation installation continues to comply with the approved plans and is healthy and flourishing. The project Landscape Architect shall then submit a Certificate of Compliance letter to the City of Greenacres and request a final City re-inspection of the maintained landscaping, 30 days prior to the end of the maintenance financial guarantee/security period.
 - d. Upon passing the final re-inspection, the property owner may request in writing the release and return of any remaining financial guarantee/security. If the location fails the final re-inspection, the financial guarantee/security shall not be released to the property owner. Once the property owner completes the required improvements, the financial guarantee/security shall be released. If these necessary improvements do not occur, the City may use the financial guarantee/security to maintain or replace landscape items as necessary.
22. A site clearing and tree removal permit shall be required prior to any clearing activities on site. This permit shall demonstrate protection of existing trees to remain. Additions to the landscaping plan may be necessary to meet Code requirements if existing material to remain is unsuitable for buffer purposes. (Planning, Engineering, and Building)
23. By the initial landscape inspection, all existing invasive non-native plants shall be removed from the property. It shall be the responsibility of the property owner to maintain the site free from invasive plants in perpetuity. (Planning)

24. In accord with the determination of compliance with the Traffic Performance Standards by Palm Beach County Engineering, no building permits shall be issued after the **build-out date of December 31, 2028**, unless a revised traffic study with a later build-out date has been approved by the County and a copy of the approval provided to the City of Greenacres. (Planning, Engineering, and Building)
25. No outdoor speakers shall be permitted. (Planning and Building)
26. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "City of Greenacres". (Planning)
27. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or a Certificate of Occupancy. (Planning, Engineering, and Building)
28. The conditions of approval herein shall apply to the Owner, Applicant, and their successors and assigns.

29. **CITY ADVISORY NOTICES:**

- (1) **Development permits and orders.** As provided by subsection 166.033(6), Florida Statutes, issuance of a development permit by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
- (2) **No Guarantee by City.** It is specifically understood that the City is not guaranteeing the appropriateness, efficiency, quality or legality of the use or development of the Property, including but not limited to, drainage or water/sewer plans, fire safety, or quality of construction, whether or not inspected, approved, or permitted by the City.
- (3) **Indemnification.** The Owner/Developer shall indemnify and hold the City harmless from any and all claims, demands, disputes, costs, expenses, (to include attorney's fees whether or not litigation is necessary and if necessary, both at trial and on appeal), incurred by the City as a result, directly or indirectly, of the use or development of the Property, except those claims or liabilities by or arising from gross negligence or intentional acts of the City, or its employees, contractors or agents.

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RESOLVED AND ADOPTED this 16th of day of September, 2024

Chuck Shaw, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Judith Dugo, Deputy Mayor

Voted:
John Tharpe, Council Member, *District I*

Voted:
Peter Noble, Council Member, *District II*

Voted:
Susy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney