

RESOLUTION NO. 2024-44

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 2,598 OFFICE BUILDING AND THREE UNIT TWO-STORY TOWNHOUSES WITHIN IN A MIXED USE DEVELOPMENT – OFFICE (MXD-O) ZONING DISTRICT, LOCATED APPROXIMATELY 650 FEET NORTH OF WOODLAKE BOULEVARD AT 3494 SOUTH JOG ROAD, AS REQUESTED BY THE PETITIONER, STEVEN GAYNAIR, AGENT FOR THE OWNER, C&C PETRO INVESTMENTS, LLC; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Steven Gaynair, hereinafter "Petitioner", as agent for the owner C&C Petro Investments LLC, has made an application for Site & Development Plan including a Master Sign Plan approval for construction of a one-story 2,598 Office Building and a 3 unit two-story townhouses within a Mixed Use Development – Office (MXD-O) zoning district, located approximately 650 North of Woodlake Boulevard at 3494S. 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 of a one-story 2,598 Office Building and a 3 unit two-story townhouses located approximately 650 North of Woodlake Boulevard at 3494 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 2,598 Office Building and a 3 unit two-story townhouses within a Mixed Use Development – Office (MXD-O) zoning district located approximately 650 North of Woodlake Boulevard at 3494 S. Jog

Road, subject to the conditions of approval and staff recommendation at the September 16, 2024 Public Hearing.

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

SECTION 1. The application, SP-24-01, a Site & Development Plan including the Master Sign Plan (MSP-24-02) is hereby APPROVED for construction of a one-story 2,598 Office Building and a 3 unit two-story townhouses 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 Plans 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-24-01 C&C Legacy Plaza **Site Plan**, Sheet SP-1 through SP-3, received by DNS on July 31, 2024 and prepared by Steven Gaynair of Nest Plans
 - B. SP-24-01 C&C Legacy Plaza **Landscape/Irrigation Plan**, Sheets L-1 through L-2, received by DNS on July 31, 2024 and prepared by Jack Wensell of the Wensell Group Landscape Architecture
 - C. SP-24-01 C&C Legacy Plaza **Photometric Plan**, Sheet LL-1, received by DNS on July 18, 2024 and prepared by Dan Pienaru of Bach Design Engineers
 - D. SP-24-01 C&C Legacy Plaza **Architectural Plan**, Sheets A-121, A-201, A-221, A-222, and A-411, received by DNS on July 18, 2024 and prepared by Steven Gaynair of Nest Plans
 - E. SP-24-01 C&C Legacy Plaza **Master Sign Plan**, Sheets MSP-1, received by DNS on July 18, 2024 and prepared by Steven Gaynair of Nest Plans
 - F. SP-24-01 C&C Legacy Plaza **Civil/Engineering Plan**, Sheets C1 through C10, received by DNS on July 18, 2024 and prepared by Regina Bobo-Jackson of Gator Engineering Associates
2. The project shall be subject to the City's required parks and recreation and governmental services land dedication in accordance with Article IV of the Subdivision Regulations. The requirements are 2 acres per 1,000 population for governmental services and 5 acres per 1,000 population for parks and recreation. Based upon 3 townhouse units x 2.2 persons per unit = $6.6 / 1,000 = .0066 \times (5 + 2) =$ a **total land dedication of 0.0462 acres**. **In lieu of land dedication, the developer shall be required to pay a fee equal to the combined value of the required land dedication** to be determined in accordance with Sections 12-83 and 12-93 of the City's Subdivision Regulations. The fee shall be paid prior to the issuance of Building Permits. (Engineering)
3. 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 **three (3) 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)
4. The project shall be required to pay the City's impact fee of \$2.80 per square foot of gross non-residential floor area per Section 16-201. The amount of **\$7,274.40** shall be paid prior to the issuance of Building Permits. (Planning and Building)

5. 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.
6. The Site and Development Plans shall be revised as necessary and as otherwise noted herein to reflect all conditions of approval and re-submitted prior to the approval of the final plat. (Planning, Building, Engineering and Public Works)
7. Any site permits required and/or obtained shall be maintained in an active status with the respective permitting agency until 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)
8. 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)
9. 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)
10. 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)
11. In accordance 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 and Building)

12. 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)
13. The site must be platted and recorded prior to the issuance of Engineering Permits. Any unused existing easements and rights-of-way on the subject property shall be abandoned prior to platting. (Engineering)
14. Driveway connection and/or right-of-way construction permits from Palm Beach County Land Development must be obtained prior to the approval of the final plat. Any existing driveway connections on site which will become redundant shall be removed and replaced with curbing, etc. to match adjacent conditions. (Engineering)
15. Documentation establishing a Property Owner's Association governing aspects of the project such as uniformity of exterior elevations, coordinated roof replacement, uniformity in fencing and accessory structures such as screen enclosures, prohibition of habitable space additions, and enforcement of parking regulations shall be provided to the City in a form acceptable to the City Attorney prior to approval of the final plat. (Engineering and City Attorney)
16. A cross access, shared parking, unity of control and unity of maintenance agreement covering the entire site (residential and commercial) in a form acceptable to the City Attorney shall be recorded prior to the approval of the final plat, and a certified copy be presented to the City Staff. (Engineering and City Attorney)
17. In accordance 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)
18. 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)
19. All utilities and services to the site shall be provided by entities holding valid franchise agreements with the City. (Engineering and Building)

20. The office buildings must be provided with an automatic fire sprinkler system and a monitored fire alarm system. In addition, the buildings 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)
21. 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)
22. 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)
23. The dumpster enclosure walls shall match the finish, color and design elements of the building walls and trim. (Planning)
24. The hours of operation for the office buildings shall be limited to 6:00 a.m. to 8:00 p.m., Monday through Friday. No deliveries shall take place prior to 6:00 a.m. or after 8:00 p.m., Monday through Saturday. (Planning and Building)
25. 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)
26. 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.
27. 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. Landscaping Plan additions may be necessary to meet Code requirements if existing material is unsuitable to remain. (Planning)
28. 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)
29. Fences shall not be allowed in any front yards. Fences shall be constructed of a unified and harmonious design in the community, chain link is not permitted. (Planning and Building)
30. The developer shall enter into a Traffic Control Jurisdiction Agreement with the City of Greenacres to provide for the enforcement of parking and traffic regulations within the development. This agreement must be approved by the City prior to the issuance of any residential Certificates of Occupancy. (Building and Planning)
31. No outdoor speakers shall be permitted. (Planning and Building)

32. 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)

33. 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)

34. 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.

35. The conditions of approval herein shall apply to the Owner, Applicant, and their successors and assigns.

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

Chuck Shaw, Mayor

Attest:

Quintella Moorer, City Clerk

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

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

Voted:
Judith Dugo, *Deputy Mayor*

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