

RESOLUTION NO. R-91-1179

RESOLUTION APPROVING ZONING PETITION NO. 84-54(C)
SPECIAL EXCEPTION & MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF PALMS WEST HOSPITAL, INC.

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. 84-54(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on June 27, 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. 84-54(C), the petition of PALMS WEST HOSPITAL, INC., BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A MEDICAL CENTER TO INCREASE LAND AREA, INCREASE BUILDING SQUARE FOOTAGE; ADD A DAY CARE CENTER (MAXIMUM 100 CHILDREN); AND A MODIFICATION OF COMMISSION REQUIREMENTS ON R-84-1172, CONDITION NOS. 9 (HEIGHT LIMITATION), AND 11 (LIMITATION ON PHASING AND NUMBER OF BEDS) on a parcel of land lying in Palms West Medical Center, according to the plat thereof recorded in Plat Book 54, Pages 155 and 156, as in Section 33, Township 43 South, Range 41 East, and being located on the N SIDE OF SR 80, APPROX. .1 MILE W OF FOLSOM RD. , BOUNDED ON THE N BY AN UNNAMED COLLECTING CANAL, was approved on June 27, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein.

2. 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.
3. 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. 91**). 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.
4. 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, sitting as the Zoning Authority, for this site within ninety **(90)** days of approval.

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of **410,373** square feet.
2. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of each building.
3. 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. DAY CARE

1. The day care center shall be limited to a maximum of **100** students and five thousand **(5,000)** square feet of usable building area.
2. The petitioner shall provide a minimum of one twelve **(12)** foot tall native canopy tree per **1500** square feet of outdoor play area provided. All trees required by this condition shall be planted within the interior **of** the outdoor play area.
3. Landscaping along the perimeter of the outdoor activity area shall be upgraded to include fourteen **(14) foot** tall native canopy trees placed twenty **(20)** feet on center and twenty-four **(24)** inch high hedge or shrub material placed twenty-four **(24)** inches on center. Existing native plant material shall be credited towards this requirement.
4. The site plan shall be amended to reflect five **(5)** drop-off stalls a minimum of twelve **(12)** feet wide by twenty **(20)** feet in length.
5. The site plan shall be amended to reflect a four **(4)** foot wide walkway running in front of the drop-off spaces and connecting to the day care entrance.

D. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation shall:
 - a. not be located within one-hundred (100) feet of any property line, except for the eastern property line where a fifty-foot (50) setback shall be maintained.
 - b. be confined to areas designated on the site plan and screened by a solid opaque enclosure. 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.

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. 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. 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 impact fee for Phase I is \$57,255.00. The impact fee for Phase II is \$3,300.00 (60 trips X \$55.00 trips/day).
3. The Developer shall install signalization if warranted as determined by the County Engineer at State Road 80 and project's entrance road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
4. Prior to Site Plan approval the property owner shall execute and record Restriction Covenant for:
 - a. the proposed day care center limiting its use to children of employees only.

- b. the use of the proposed medical office complex shall be limited to medical uses associated with the hospital and its related uses or physicians with staff privileges.
5. Building permits shall not be issued for a development which would generate more than **1,041** trip/day as approved by the County Engineer until construction has begun for a right turn lane, east approach on State Road **83** at Royal Palm Beach Boulevard.

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All new excavated lakes shall possess a littoral shelf area. A littoral shelf shall be an area with a slope not greater six (**6**) feet horizontal to one (**1**) foot vertical, ranging in depth from ordinary high water (OHW) **or** the controlled water level (CWL) to four feet below OHW or CWL. A minimum **of 30%** of the surface area of all lakes shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management (**ERM**) concurrent with Site Plan Review application and **approved** by **ERM** prior to Site Plan certification or any alternative acceptable to **ERM**.
2. Preserve areas located on-site shall be labeled **or** the site plan and identified on a certified metes and bounds survey by a registered land surveyor. Preserve areas shall be preserved with intact canopy, understory and ground cover and maintained without significant surface alteration or infringement by drainage or utility easements. Preserve areas shall be identified **or** any plat required for development. A management plan that addresses the maintenance of the preserve area as well as the continued removal of invasive exotic species shall be submitted to the Department of Environmental Resources Management concurrent with the application to the Site Plan Review Committee and approved by the Department prior to site plan certification.

G. 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 effluent;.
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.

H. 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.

I. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall submit **a** Landscape Betterment Plan for review and approval by the Zoning Division. The Landscape Betterment Plan shall demonstrate conformance to or exceed all Landscape Code requirements, landscape conditions of approval and vegetation preservation conditions of approval. **A** Landscape Betterment Plan approved by the Zoning Division shall supersede **the** perimeter landscape buffer requirements below.
2. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to the Landscape Betterment Plan and all landscape/vegetation preservation conditions of approval.
3. Existing or relocated native vegetation and understory may be counted toward meeting landscape requirements.

J. 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.
3. All trees within the interior parking area shall be a minimum of twelve **(12)** 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.

R. LANDSCAPING ALONG THE SOUTH PROPERTY LINE

1. Landscaping within the required buffer along the south property line shall be upgraded to include:
 - a. One fourteen **(14)** foot **tall** native canopy tree planted every twenty **(20)** feet on center;
 - b. One twelve **(12)** foot tall native palm tree for each thirty **(30)** linear feet of frontage; and
 - c. Thirty-six **(36)** inch tall hedge or shrub material planted twenty-four **(24)** inches on center.

L. LANDSCAPING ALONG THE NORTH, EAST AND WEST PROPERTY LINES,

1. Landscaping and buffering along the north, east and west property lines shall be upgraded to include:
 - a. Along the north and west property lines - a minimum twenty-five (25) foot wide landscape buffer strip. Along the east property line - a minimum fifty (50) foot wide native buffer strip **or** ten (10) foot landscape strip combined with a Landscape Betterment Plan along the eastern forty-two (42) feet of the Water Management Tract.
 - b. A six (6) foot high opaque wall, fence, hedge, **berm** or combination.

The following landscaping requirements shall be installed on the exterior side of the required landscape barrier (Condition N.1.b.):

- c. One twelve (12) foot tall native canopy tree planted every twenty (20) feet on center.
 - d. One twelve (12) foot tall palm tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees shall supersede the requirement for a native canopy tree in that location.
 - e. Thirty-six (36) inch high shrubs 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.
2. Along the interior side of the required landscape barrier, the property owner shall install twenty-four (24) inch high shrubs 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.

M. 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.

N. LIGHTING

1. All outdoor lighting used to illuminate **the premises and** identification signs shall be of low intensity, **shielded** and directed away from adjacent properties and **streets**.
2. Pole mounted lighting fixtures shall not exceed twenty-four (24) feet in height.

O. MODIFICATION OF COMMISSION REQUIREMENTS

1. Condition No. 9 of Resolution No. R-84-1173, which presently states:

"The hospital structure shall be limited to no more than four (4) stories. The medical offices as presented on the site plan, shall be limited to one story."

is hereby amended to read:

"The hospital structure from finished grade to highest point shall be limited to no more than sixty (60) feet. The medical offices as presented on the site plan, shall be limited to two (2) stories."

2. Condition No. 11 of Resolution No. R-84-1173, which presently states:

"This approval is specifically limited to phase I, which includes all uses as shown, including a 117 bed hospital facility. Expansion of the hospital beyond the 117 beds shall require reconsideration by the Board of County **Commissioners**."

is hereby amended to read:

"This approval **is** specifically limited to Phase I, which includes all uses as shown, including a 140 bed hospital facility. Expansion of the hospital beyond the 140 beds shall require reconsideration from the Board of County **Commissioners**."

P. PARKING

1. 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.
2. Overnight storage or parking of delivery vehicles or trucks not affiliated with hospital use shall **not** be permitted on site, except within the loading and delivery areas designated on the site plan.

Q. PLATTING

1. Prior to site plan approval, property owner shall record **a** ~~Unity~~ **Unity** of Title on the existing platted lots.

R. RECYCLE SOLID WASTE

1. All property owners and lessees 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.

S. SIGNS

1. Signs fronting on Southern Boulevard (State Road 80) shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign face area - 100 square feet.
 - c. Maximum of one identification sign.
2. Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval.
3. No signs shall encroach into the vegetation preservation areas.
4. 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.
5. 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.

T. USE LIMITATION

1. Use of the site shall be limited to one hundred forty (140) hospital beds, clinics, medical offices and accessory uses and an in-house day care facility for employees of the medical park and hospital only.
2. No outdoor loudspeaker system audible off site shall be permitted.

U. VEGETATION PROTECTION

1. Prior to submittal of the site plan to the Site Plan Review Committee, the petitioner shall:
 - a. Submit a tree survey, pursuant to Section 500.35.b.25, drawn to the same scale as the site plan. This survey shall number, size and identify all native trees and vegetation in a tabular form, excluding platted preserve area.
 - b. Submit a preservation and relocation program which corresponds with the tree survey. This program shall demonstrate how significant native vegetation is to be incorporated into the site design. This program shall specify:

- 1) The relocation of native trees and vegetation into the designated 3.25 enhancement area, buffer, open space and parking areas.
 - 2) The relocation of native plant material into the designated enhancement area and/or the installation of new plant material, so as to create a vegetation density of one (1) tree and three (3) shrubs shall be planted per two hundred and fifty (250) square feet and mulched, planted or seeded with native ground cover.
2. Native vegetation not located within preservation/relocation areas and deemed relocatable by the Zoning Division and Environmental Resources Management, shall be relocated to perimeter buffers or other open space;.
 3. A fifty (50) foot wide native buffer shall be provided along the eastern property line. This requirement shall be waived with the submission to and approval of by the Zoning Division a Landscape Betterment Plan showing a forty-two foot native enhancement area along the eastern side of the water management lake. This Betterment Plan should provide the Zoning Division with a planting plan and a list of all material being used in its development. The applicant must demonstrate a native plant community of equal or better value than provided by the fifty foot buffer. This condition must be met prior to site plan review approval. No development activity such as trenching, grade changes or grubbing that may cause injury to vegetation within the preserve areas shall be permitted.
 4. The preserve area shall consist of the twenty-five (25) percent preserve set aside of 5.33 acres, the enhancement area of 3.25 acres, and the island enhancement area of 1.57 acres.
 5. Prior to commencing with vegetation removal operation or any land development permits the petitioner shall:
 - a. Identify all trees and vegetation to be relocated and preserved in the field, tagged and numbered according to the tree survey.
 6. Trees to be preserved shall receive appropriate protection during site development. Protective devices shall be in place and approved by the Zoning Division prior to commencing any clearing activity.
 7. Prior to removal of any vegetation, the petitioner shall schedule a coordinated pre-clearing inspection with the Zoning Division and Environmental Resources Management.
 8. All preservation conditions of approval shall be completed prior to issuance of the first Certificate of Occupancy (C.O.) for Phase I of the project or a phasing plan approved by the Zoning Division shall be submitted prior to Site Plan Review Committee approval.

V. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 412.6, 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.

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 Elmquist 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 3rd day of September, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK