

RESOLUTION NO. R-91- 1465

RESOLUTION APPROVING ZONING PETITION NO. 83-56(C)
SPECIAL EXCEPTION PETITION OF AMERICAN MORTGAGE INVESTMENT, 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. 83-56(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on July 25, 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. 83-56(C), the petition of AMERICAN MORTGAGE INVESTMENT, INC., BY ANNA COTTRELL, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR THE WEST BOCA HOSPITAL TO INCREASE THE SQUARE FOOTAGE on a parcel of land lying on PARCELS A AND B: A parcel of land situated in Section 19, Township 47 South, Range 42 East, being a portion of block 78 of the PALM BEACH FARMS COMPANY'S PLAT NO. 3, as recorded in Plat Book 2 on Pages 45 through 54, more particularly described as follows: COMMENCING at the Southwest corner of Tract 71, Block 78, of the above referenced Palm Beach Farms Company Plat; thence N 00°53'32" W, along the west perimeter of said Block 78, a distance of 1,538.96 feet to the centerline of the proposed loop road and the POINT OF BEGINNING; from the point of beginning; thence N 89°37'02" E, along said proposed centerline, a distance of 415.00 feet to the beginning of a curve, having a radius of 393.81 feet from which a radial line bears N 00°22'58" W; thence Easterly along the arc of said curve, subtending a central angle of 28°29'44", a distance of 195.86 feet; thence N 61°07'18" E, continuing along said centerline, a distance of 198.25 feet to the

beginning of a curve, having a radius of 393.81 feet from which a radial line bears S 28°52'42" E; thence Easterly along the arc of said curve, subtending a central angle of 28°29'44", a distance of 195.86 feet; thence N 89°37'02" E a distance of 223.09 feet; thence N 00°22'58" W, departing from said centerline, a distance of 505.65 feet; thence N 89°37'02" E a distance of 458.56 feet; thence S 00°22'58" E a distance of 272.24 feet; thence S 37°47'04" W a distance of 392.06 feet to the above referenced proposed centerline and a point on a curve having a radius of 350.00 feet from which a radial line bears S 37°47'04" W; thence Southerly along the arc of said curve, subtending a central angle of 51°49'59", a distance of 316.68 feet; thence S 00°22'58" E, a distance of 355.92 feet to the beginning of a curve, having a radius of 362.13 feet from which a radial line bears S 89°37'02" W; thence Southwesterly along the arc of said curve, subtending a central angle of 45°00'00", a distance of 284.42 feet; thence S 44°37'02" W a distance of 178.00 feet to the beginning of a curve, having a radius of 362.13 feet from which a radial line bears N 45°22'58" W; thence southwesterly and westerly along the arc of said curve, subtending a central angle of 45°00'00", a distance of 284.42 feet; thence S 89°37'02" W a distance of 1,041.16 feet to the west line of said Block 78; thence N 00°53'32" W, departing from said proposed centerline and running along said west block line, a distance of 1,003.96 feet to the POINT OF BEGINNING, and being located on the E SIDE OF SR 7, .5 MILE S OF GLADES RD., was approved on July 25, 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. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
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 53). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E)2 (b) (Site Plan Review Committee Powers and Standards of Review).

B. CANAL BANK MAINTENANCE

1. Prior to site plan certification, the petitioner shall obtain permission, if possible, from the Lake Worth Drainage District to sod, irrigate, landscape and perpetually maintain both banks of all abutting canals.

C. 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 effluents.

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 .

D. LANDSCAPE

1. If acceptable to the Lake Worth Drainage District, landscaping along State Road 7 shall be upgraded to include:
 - a. One (1) twelve (12) foot tall native canopy tree for each thirty (30) linear feet of frontage.
 - b. One (1) twelve (12) foot tall native palm tree for each thirty (30) linear feet of frontage. A group of three (3) or more palm trees may replace one (1) canopy tree requirement of this condition.
 - c. Twenty-four (24) inch high hedge or shrub material spaced twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches.

If landscaping is not permitted by the Lake Worth Drainage District along State Road 7, landscaping meeting the requirement of this condition shall be placed elsewhere on the site, subject to approval by the Zoning Division.

2. Landscaping along the perimeter of the site abutting Central Park Boulevard North shall be upgraded to include:
 - a. One (1) twelve (12) foot tall native canopy tree for each thirty (30) linear feet of frontage.
 - b. One (1) twelve (12) foot tall native palm tree for each thirty (30) linear feet of frontage. A group of three (3) or more palm trees may replace one (1) canopy tree requirement of this condition.
 - c. Twenty-four (24) inch high hedge or shrub material spaced twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches.

Existing vegetation abutting Central Park Boulevard and the lake may be counted as credit towards this requirement, subject to the approval by the Zoning Division.

3. One (1) punch-out or a landscape island with a native canopy tree a minimum of ten (10) feet tall shall be provided for every ten (10) parking stalls in the undeveloped portions of the site. The petitioner may submit a preservation plan meeting the intent of this requirement as an alternative, subject to approval by the Zoning Division.

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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. Prior to Master/Site Plan approval the property owner shall amend the master plan, if necessary, to reflect compliance with the Subdivision and Required Improvements Regulations including but not limited to internal right-of-way widths or receive a variance from the Board of Adjustment.
3. 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 Fair Share Fee for this project at the time of the Building Permit presently is \$64,515.00 (1,173 additional trips X \$55.00 per trip).
4. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
 - a) Building Permits which will increase traffic above the current vested number of trips, as determined by the Engineering Department, shall not be issued until construction has begun for State Road 7 as a 6 lane section from Glades Road to Palmetto Park Road plus the appropriate paved tapers.
5. If and when warranted by the County Engineer and the Florida Department of Transportation that the project's entrance at State Road 7 requires signalization, the property owner shall fund any required signal modifications in conjunction with roadway improvements. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division and Florida Department of Transportation.
6. The Developer shall plat the subject property, if necessary, in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended. The platting of **this** property may be phased in accordance with a phasing plan acceptable to the office of the County Engineer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety.

F. SQUARE FOOTAGE LIMITATIONS

1. Condition No. 11, Petition No. 83-56(A), Resolution No. R-83-1098, which reads as follows:

"11. This approval is limited to Phase 1 which consists of only the following:

Hospital - 350 beds in a maximum 220,000 sq. ft. of total floor area.

Ancillary Office/Commercial Uses - a maximum of 110,500 sq. ft. of total floor area which may include no more than 103,539 sq. ft. of Medical Offices nor more than 16,575 sq. ft. of retail, restaurant/lounge and financial uses."

Is hereby deleted.

2. Additional beds shall not be permitted within the hospital and no additional building permits for the hospital shall be issued until the petitioner demonstrates to the Zoning Division that the site plan meets the minimum off-street parking requirements of the Zoning Code. This requirement may be satisfied by the approval of a shared parking permit or variance relief.
3. This project is limited to a total of 443,368 square feet as follows:
- | | | |
|---|---------------------|-------------------------|
| o | 185,115 square feet | Ancillary Uses |
| o | 217,785 square feet | Hospital (350 Beds) |
| o | 40,468 square feet | Nursing Home (120 Beds) |
4. Building C shall be limited to accessory commercial uses serving the hospital and medical office uses only and shall be internal to the project.

G. SIGNS

1. The number of signs on State Road 7 shall be limited to two (2). Any new signs on this road shall be limited as follows:
- a. Maximum sign height - 10 feet.
 - b. Maximum total sign face area - 100 square feet.
 - c. Sign shall be a monument type.
2. The number of signs on Central Park Boulevard shall be limited to four (4). Any new signs on this road shall be limited as follows:
- a. Maximum sign height - 8 feet.
 - b. Maximum total sign face area - 80 square feet.
 - c. Sign shall be a monument type.

H. SPECIFIC CONDITIONS

1. The petitioner shall revise the site plan prior to site plan certification to include:
 - a. Number of employees for the hospital for: the parking calculation.
 - b. All square footages and heights of structure;.
 - c. Number of beds for the hospital.

I. VEGETATION PRESERVATION

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
2. Native vegetation not located within preservation/relocation areas and deemed relocatable by the Zoning Division shall be relocated to perimeter buffers or other open space areas on site.
3. Prior to removal of any vegetation, the petitioner shall schedule a pre-clearing inspection with the Zoning Division and the Department of Environmental Resources Management. In addition, the petition shall:
 - a. Clearly identify and mark trees to be preserved, relocated or removed.
 - b. Install appropriate protection barrier around individual and groups of trees to be preserved.
 - c. No clearing shall commence until all protective devices are installed by the petitioner and inspected and approved by the Zoning Division.

J. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, 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

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- 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 Phillips 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	--	ABSENT
Mary McCarty	--	AYE
Ken Foster	--	ABSENT
Maude Ford Lee	--	ABSENT

The Chair thereupon declared the resolution was duly passed and adopted this 8th day of October, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

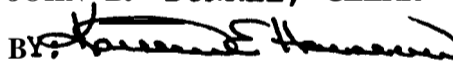
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY :


COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY :


DEPUTY CLERK

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