

RESOLUTION NO. R-2000- 1087

RESOLUTION APPROVING ZONING PETITION DOA84-076(F)
DEVELOPMENT ORDER AMENDMENT
PETITION OF WELLINGTON REGIONAL MEDICAL CENTER
BY ANNA S. COTTRELL, AGENT
(WELLINGTON REGIONAL MEDICAL CENTER)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA84-076(F) was presented to the Board of County Commissioners at a public hearing conducted on July 27, 2000; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition DOA84-076(F), the petition of Wellington Regional Medical Center, by Anna S. Cottrell, agent, for a Development Order Amendment (DOA) to modify/delete conditions and add square footage on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 27, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Maude Ford Lee, Chair		Aye
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus		Aye
Carol A. Roberts		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Absent

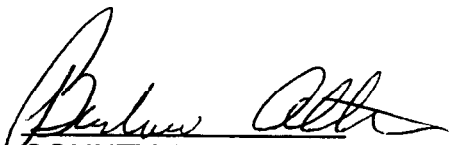
The Chair thereupon declared that the resolution was duly passed and adopted on July 27, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

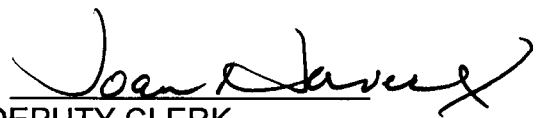
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

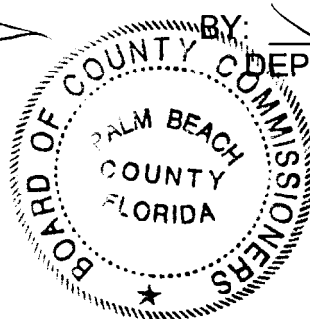


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 12, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PORTION OF TRACTS 20, 21, 22, 27 AND 28, BLOCK 18, OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 12, THENCE RUN NORTH $01^{\circ}33'42''$ EAST, ALONG THE EAST LINE OF SAID SECTION 12, A DISTANCE OF 1,661.58 FEET; THENCE SOUTH $88^{\circ}58'04''$ WEST, 240.25 FEET TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 441 (STATE ROAD NO. 7) AS NOW LAID OUT AND IN USE AND THE POINT OF BEGINNING; THENCE SOUTH $01^{\circ}33'42''$ WEST, ALONG SAID WEST RIGHT-OF-WAY LINE AND PARALLEL WITH AND 240.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES, THE EAST LINE OF SAID SECTION 12, 685.61 FEET; THENCE SOUTH $03^{\circ}51'08''$ WEST, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, 856.70 FEET; THENCE SOUTH $48^{\circ}58'05''$ WEST, ALONG THE SAFE CORNER FOR U.S. HIGHWAY NO. 441 AND FOREST HILL BOULEVARD, 56.68 FEET TO A POINT ON A CURVE ON THE NORTH RIGHT-OF-WAY LINE OF SAID FOREST HILL BOULEVARD, RADIAL BEARING NORTH $04^{\circ}05'02''$ EAST, SAID CURVE HAVING A RADIUS OF 5,665.58 FEET AND CENTRAL ANGLE OF $02^{\circ}37'38''$; THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTH RIGHT-OF-WAY LINE OF FOREST HILL BOULEVARD, A DISTANCE OF 259.78 FEET TO A POINT (RADIAL BEARING NORTH $06^{\circ}42'40''$ EAST); THENCE NORTH $82^{\circ}09'23''$ WEST, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE OF FOREST HILL BOULEVARD, 400.07 FEET; THENCE NORTH $80^{\circ}50'44''$ WEST, ALONG SAID RIGHT-OF-WAY, 15.02 FEET; THENCE NORTH $01^{\circ}16'18''$ WEST, 1,126.08 FEET; THENCE NORTH $89^{\circ}00'59''$ EAST, 255.92 FEET; THENCE NORTH $01^{\circ}16'18''$ WEST, 355.60 FEET; THENCE NORTH $88^{\circ}58'04''$ EAST, 565.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 25.177 ACRES MORE OR LESS

BEARINGS CITED ARE BASED ON THE EAST LINE OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 41 EAST, BEARING NORTH $01^{\circ}33'42''$ EAST.

EXHIBIT B

VICINITY SKETCH

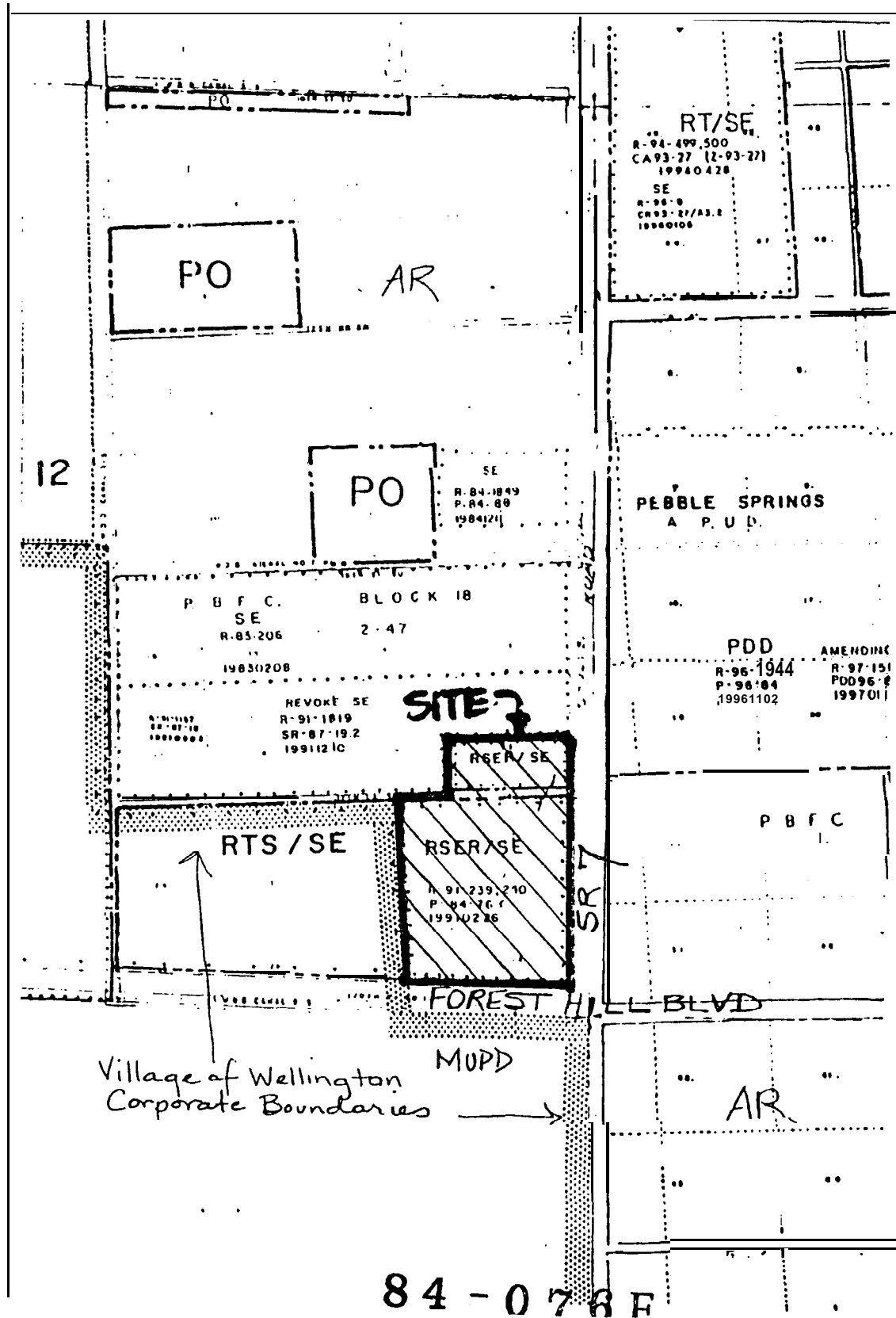


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Previous Condition A.1 of Resolution 98-2037, Petition 84-76(E) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-84-1304 (Petition 84-76), R-86-629 (Petition 8476B), R-91-239 (Petition 84-76C), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-2037 (Petition 84-76E) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Previous Condition A.2 of Resolution 98-2037, Petition 84-76(E) which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated October 1, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May25, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

3. **Approval of this Special Exception and the accompanying site plan shall not constitute approval of the expansion of the Wellington Hospital Medical Center that is indicated on the site plan.** (Previous Condition A.3 of Resolution 98-2037, Petition 84-76(E))

4. **The developer shall relocate and/or preserve existing significant vegetation into the project design. Appropriate measures shall also be taken to protect and individual trees and/or preservation areas during site clearing and construction.** (Previous Condition A.4 of Resolution 98-2037, Petition 84-76(E))

5. Condition 12 of Resolution 84-1304, Petition 84-76 and Condition 4 of Resolution 86-629, Petition 84-76 (B) which currently states:

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (ONGOING: ZONING)

Is hereby deleted. Reason: [Code requirements].

6. **Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.** (ONGOING: ZONING) (Previous Condition A.6 of Resolution 98-2037, Petition 84-076(E)).

B. BUILDING AND SITE DESIGN

1. Previous Condition B.I of Resolution 98-2037, Petition 84-76(E) which currently states:

Total gross floor area shall be limited to a maximum of 256,421square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less provided parking requirements are met pursuant to Section 7.2.B of the ULDC. (DRC: ZONING)

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 270,741 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less subject to approval by Traffic Division or DRC. (DRC: ZONING)

2. Condition B. 1 of Resolution 98-2037, Petition 84-76(E) which currently states:

All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure.(BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

All roof mounted air conditioning and mechanical equipment including satellite dishes shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure. (CO: BLDG - Zoning)

3. **All proposed buildings and structures shall be designed and constructed to be compatible with the general architectural character of the existing medical buildings. (BLDG PERMIT: BLDG-Zoning)** (Previous Condition B.3 of Resolution 98-2037, Petition 84-76(E))

C. LANDSCAPING - STANDARD (THIS CONDITION IS APPLICABLE TO THE NORTHERN PORTION- 4.54 ACRE SITE ONLY)

1. Condition F. 1 of Resolution 98-2037, Petition 84-076E which currently states:

All canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

- a. **Tree height: fourteen (14) feet;**
- b. **Trunk diameter: 3.5 inches measured 4.5 feet above grade;**
- c. **Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,**
- d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)**

Is hereby amended to read:

All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. Condition F.2 of Resolution 98-2037, Petition 84-076E which currently states:

All palms required to be planted on site by this approval, except on individual residential lots, 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. (CO: LANDSCAPE - Zoning)**

All palms required to be planted on site 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. (CO: LANDSCAPE - Zoning)

3. **A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning) (Previous Condition F.3 of Resolution 98-2037, Petition 84-076E)**

D. LANDSCAPING - INTERIOR (THIS CONDITION IS APPLICABLE TO THE NORTHERN PORTION- 4.54 ACRE SITE ONLY)

1. **One landscape island shall be provided for every twelve (12) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred and twenty (120) linear feet. (DRC: ZONING) (Previous Condition G.1 of Resolution 98-2037, Petition 84-076E)**
2. **Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:**
 - a. **The minimum width of the required landscape areas shall be five (5) feet;**
 - b. **The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,**
 - c. **Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE) (Previous Condition G.2 of Resolution 98-2037, Petition 84-076E)**

E. ENGINEERING

1. **Condition 3 of Resolution 84-I 304, Petition 84-76 was deleted by condition E.1 of Resolution R-98-2037, Petition 84-076(E)**
2. **The petitioner shall convey the ultimate right of way within ninety (90) days of Special Exception approval for the following:**
 - a. **U.S.441 (S.R.7), 240 feet west of the west right of way line of the E-I Canal.**
 - b. **Forest Hill Boulevard, sixty (60) feet from centerline.**

All conveyances must be accepted by Palm Beach County prior to the issuance of a Building permit. (Previous Condition E.2 of Resolution 98-2037, Petition 84-76(E)) [Is Completed]

3. **The petitioner shall convey the ultimate right of way as required by the "Special Intersections" within ninety (90) days of Special Exception approval:**
 - a. **S.R.7, 275 feet west of the west right of way line of the L.W.D.D. E-I Canal.**
 - b. **Forest Hill Boulevard, 64 feet from centerline.**

All conveyances must be accepted by Palm Beach County prior to the issuance of a Building permit. (Previous Condition E.3 of Resolution 98-2037, Petition 84-76(E)) [Is Completed]

4. The Petitioner shall provide the construction plans for an additional three-lane bridge over the L.W.D.D. E-I Canal, per the County Engineer's approval. These plans shall contain, but not be limited to sidewalks. In addition, construction plans shall be submitted for the following turn lanes at the intersection of S.R. 7 and Forest Hill Boulevard:

- a. Dual Left turn lane, north approach
- b. Dual Left turn lane, south approach
- c. Dual Left turn lane, east approach
- d. Dual Left turn lane, west approach
- e. Right turn lane, north approach
- f. Right turn lane, south approach
- g. Right turn lane, west approach

These plans shall be completed within twelve (12) months of Special Exception approval, or prior to the issuance of a Certificate of Occupancy, whichever shall first occur. (Previous Condition E.4 of Resolution 98-2037, Petition 84-76(E)) [Is Completed]

5. The petitioner shall contribute the sum of \$750,000.00 toward the construction of an ultimate 9 lane structure over the L.W.D.D. E-I Canal on Forest Hill Boulevard, per the County Engineer's approval. This construction shall also include turn lanes at the intersection of S.R. 7 and Forest Hill Boulevard, as required in the previous condition as outlined below:

- a. Dual Left turn lane, north approach
- b. Dual Left turn lane, south approach
- c. Dual Left turn lane, east approach
- d. Dual Left turn lane, west approach
- e. Right turn lane, north approach
- f. Right turn lane, south approach
- g. Right turn lane, west approach
- h. Right turn lane, east approach
- i. Three (3) thru lanes on the north, south, east and west approaches.
- j. Sidewalks and/or bike paths as required by the County Engineer and Florida Department of Transportation on both the bridge structure and 4 laning of Forest Hill Boulevard and S.R. 7.
- k. Signalization upgrading as required by the County Engineer.

The Petitioner shall post surety in the amount of \$750,000.00 in the form of a clean, irrevocable Letter of Credit on or before thirty (30) days of the effective date of the Resolution of Approval by the Board of County Commissioners. Palm Beach County reserve the option to require the petitioner to redesign the presently approved bridge/intersection plans to reflect the aforementioned lane requirements. Costs of these plans shall be deducted from the sum contributed by the petitioner as stated above." (Previous Condition E.5 of Resolution 98-2037, Petition 84-76(E)) [Is Completed]

6. **Palm Beach County shall construct from developer's contribution in condition No. 7 at the project's south entrance on State Road 7:**
 1. **Left turn lane, south approach**
 2. **Right turn lane, north approach**
 3. **Left turn lane, west approach**
 4. **Right turn lane, west approach**
 5. **With 3 and 4 being constructed from S.R. 7 edge of pavement to the west right-of-way line.**
 6. **Petitioner shall construct at petitioner's sole expense: Signalization, when warranted, as determined by the County Engineer. (Previous Condition E.6 of Resolution 98-2037, Petition 84-76(E), Condition E.6.1 to E.6.5 are completed. Condition E.6.6 is deleted. [Reason : Signal spacings do not meet DOT requirements.]**

- 6.A **The developer shall construct at the project's north entrance onto S.R. 7:**
 1. **Left turn lane, south approach [Completed]**
 2. **Right turn lane, north approach [Completed]**
 3. **Left turn lane, west approach [Completed]**
 4. **Right turn lane, west approach [Completed]**
 5. **Signalization when warranted as determined by the County Engineer. (Previous Condition E.6 of Resolution 98-2037, Petition 84-76(E))**

7. **The developer shall construct at the project's entrance and Forest Hill Boulevard:**
 - a. **Left turn lane, west approach [Completed]**
 - b. **Left turn lane, north approach [Completed]**
 - c. **Right turn lane, north approach [Completed]**
 - d. **Signalization when warranted as determined by the County Engineer. (Previous Condition E.7 of Resolution 98-2037, Petition 84-76(E))**

8. **Design of the road drainage for S.R. 7 and Forest Hill Boulevard shall accommodate the runoff from the roads adjacent to this property and shall be subject to all governmental and agency requirements. (Previous Condition E.8 of Resolution 98-2037, Petition 84-76(E))**

9. **Petitioner's contribution of \$750,000.00 provided for in Condition No. 7 and the construction plans provided for in Condition No. 6 shall be credited toward the existing Fair Share Impact Fee. If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the fair share fee, the amount shall be credited towards the increased fair share fee." (Previous Condition E.9 of Resolution 98-2037, Petition 84-76(E))**

10. **Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Forest Hill Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.(BLDG PERMIT:MONITORING-Eng) (Previous Condition E. 10 of Resolution 98-2037, Petition 84-76(E))**
11. **Condition E.II of Resolution 98-2037, Petition 84-76(E)) which currently states:**

LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- A. **Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7 Road Right-of-Ways. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the “Low Cost Planting Concept“ outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT:MONITORING-Eng)**
- B. **All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner’s Association and/or Homeowners’s Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a Certificate of Occupancy. If however, the SR 7 construction adjacent to the site has not been completed prior to the request for a Certificate Of Occupancy, this property owner may post acceptable surety to the Office of the County Engineer for the Landscape Installation. All landscape plantings shall then be completed prior to 4 months of the completion of SR 7 road widening. (ENGINEERING)**
- C. **Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT:MONITORING - Eng)**

Is hereby amended to read:

LANDSCAPE WITHIN MEDIAN OF STATE ROAD 7

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7 road right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT:MONITORING - Eng)
 - B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING-Eng)
 - C. If the County does not assume maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)
12. CUTOUTLANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF S.R.
7
- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide landscape cutouts within the concrete median of SR 7 right-of-Way contiguous to the frontage. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant.

As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. When landscape cutouts are permitted by the Florida Department of Transportation, landscaping shall, consist of Landscape Material approved by the County Engineer. All new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT:MONITORING - Eng)

- B. All required median landscaping, including an irrigation system, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall be funded at the property owners expense. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING-Eng)
- C. If the County does not assume maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

13. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF FOREST HILL BOULEVARD

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide landscape cutouts within the concrete median of Forest Hill Boulevard right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. All new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer.
(BLDG PERMIT:MONITORING - Eng.)
- B. All required median landscaping, including an irrigation system, the cost of the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials

shall be funded at the property owners expense. When landscape cutouts are permitted landscaping shall consist of Landscape Material approved by the County Engineer. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)

C. If the County does not assume maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

14. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a) No additional Building Permits should be issued until construction has begun for the 6 lane widening of Forest Hill Blvd. from South Shore Blvd. to S.R. 7 plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng) Note: Construction has begun - Condition is completed.

F. LANDSCAPING ALONG THE 565 FEET NORTH PROPERTY LINE AND THE 360 FEET WEST PROPERTY LINES (ABUTTING RESIDENTIAL) (THIS CONDITION IS APPLICABLE TO THE NORTHERN PORTION- 4.54 ACRE SITE ONLY)

1. **Landscaping and buffering along the above property lines shall be upgraded to include:**

- a. **A minimum fifteen (15) foot wide landscape buffer strip; and**
- b. **A continuous two (2) foot high berm measured from top of curb;**
- c. **One (1) canopy tree planted every thirty (30) feet on center;**
- d. **One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and**
- e. **Thirty six (36) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy two (72)inches. (CO: LANDSCAPE) (Previous Condition H.I of Resolution 98-2037, Petition 84-076E)**

G. LANDSCAPING ALONG THE 360 FEET EAST PROPERTY LINE (ABUTTING SR7/US441) (THIS CONDITION IS APPLICABLE TO THE NORTHERN PORTION- 4.54 ACRE SITE ONLY)

1. **Landscaping and buffering along the above property line shall be upgraded to include:**

- a. **A minimum twenty (20) foot wide landscape buffer strip;**
- b. **A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb;**
- c. **One (1) canopy tree planted every thirty (30) feet on center;**
- d. **One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and**
- e. **Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36)inches. (CO: LANDSCAPE) (Previous Condition 1.1 of Resolution 98-2037, Petition 84-076E)**

H. LIGHTING

- 1. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO /ONGOING: BLDG /CODE ENF -Zoning) (Previous Condition J. 1 of Resolution 98-2037, Petition 84-076E)**
- 2. Condition J.2 of Resolution 98-2037, Petition 84-076E which currently states:

All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)

Is hereby amended to read:

All outdoor lighting fixtures shall not exceed thirty (30)feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. **All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF) (THIS CONDITION IS APPLICABLE TO THE NORTHERN PORTION- 4.54 ACRE SITE ONLY) (Previous Condition J.3 of Resolution 98-2037, Petition 84-076E)**
- 4. **The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF) (Previous Condition J.4 of Resolution 98-2037, Petition 84-076E)**

I. HELIPORT

- 1. **Prior to site plan certification, the site plan shall be amended to reflect adequate safety barriers (curbing, berming, and/or landscaping) between the heliport and the existing parking lot. (DRC: LANDSCAPING) (Previous Condition K.I of Resolution 98-2037, Petition 84-076E)**
- 2. **Prior to site plan certification:**
 - a) **An airspace analysis conducted by the Federal Aviation Administration (FAA) shall be submitted to the Zoning Division.**
 - b) **A preliminary Airport License Report by the Florida Department of Transportation shall be submitted to the Zoning Division.**

c) Evidence that the radio tower does not encroach into or through the established approach plane for the heliport as determined in the airspace analysis shall be submitted to the Zoning Division. (DRC: AIRPORTS)(Previous Condition K.2 of Resolution 98-2037, Petition 84-076E)

3. The location of the heliport shall be subject to Federal Aviation Administration (F.A.A.) and Florida Department of Transportation (D.O.T.) approval. (DRC: AIRPORTS/FDOT)(Previous Condition K.3 of Resolution 98-2037, Petition 84-076E)

J. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (ONGOING: HEALTH/CODE ENF) (Previous Condition L.1 of Resolution 98-2037, Petition 84-076E)

2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH/CODE ENF) (Previous Condition L.2 of Resolution 98-2037, Petition 84-076E)

3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH/CODE ENF) (Previous Condition L.3 of Resolution 98-2037, Petition 84-076E)

4. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730FAC. (ONGOING: HEALTH/CODE ENF) (Previous Condition L.4 of Resolution 98-2037, Petition 84-076E)

5. Any biomedical waste which may be generated at this site shall be handled and disposed of in accordance with Rule 64E-16FAC. (ONGOING: HEALTH/CODE ENF) (Previous Condition L.5 of Resolution 98-2037, Petition 84-076E)

K. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within five hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. (LANDSCAPE: Zoning) (Previous Condition M.1 of Resolution 98-2037, Petition 84-076E)

L. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products , as programs are available. (ONGOING: CODE ENF) (Previous Condition N.1 of Resolution 98-2037, Petition 84-076E)

M. REZONING

1. **The petitioner shall agree to the County's rezoning of the site's RSER to the INST zoning district or any zoning district that is consistent to the site's future land use and the ULDC regulations as amended. (DATE: MONITORING -Zoning/Planning) (Previous Condition 0.1 of Resolution 98-2037, Petition 84-076E)**

N. COMPLIANCE

1. **In granting this approval, the Board of County Commissioners 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 Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning) (Previous Condition P.I of Resolution 98-2037, Petition 84-076E)**
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 majority vote of the Code Enforcement Board 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 Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING) (Previous Condition P.2 of Resolution 98-2037, Petition 84-076E)