

RESOLUTION APPROVING ZONING PETITION CA98-22
CLASS A CONDITIONAL USE
PETITION OF MCCOY JERRY D. TRUST
BY KEVIN MCGINLEY, AGENT
(CONGRESS PARK I 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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; 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

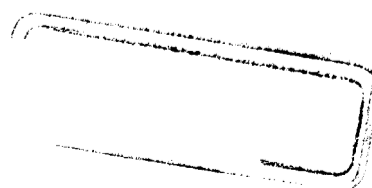
WHEREAS, Zoning Petition CA98-22 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 1998; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; 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 (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.



7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, 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 Class A Conditional Use, 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 CA98-22, the petition of McCoy Jerry D. Trust, by Kevin McGinley, agent, for a Class A Conditional Use (CA) to allow a Professional/medical office in the Commercial Low Office (CLO) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 22, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 22, 1998.

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

Being portions of Lots B, C, D, and E, Block 67, and Lots C and D, Block 68, PALM BEACH FARMS CO. PLAT NO. 7, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida; being more particularly described as follows:

Commencing at the east quarter corner of Section 30, Township 44 South, Range 43 East; thence South 01 "24'23" West (State Plane Grid Bearing Datum) along the east line of Section 30, a distance of 129.00 feet; thence North 87°50'45" West, 332.40 feet to the east line of Lot A, said Block 66; thence South 01 "24'43" West along said east line 312.53 feet to the north line of the south 102.29 feet of Lot D, Block 66; thence North 87°48'23" West along said North line, 50.00 feet; thence South 01 "24'43" West along the west line of the east 50 feet of Lot D, Block 66, a distance of 102.25 feet to the south line of Lot D; thence North 87°47'34" West along said line, 117.62 feet; thence South 01 "25'03" West along the east line of the west 150 feet of Lot E, Block 66, a distance of 135.91 feet to the south line of Lot E; thence North 87°46'46" West along the south line of Lot E, Block 66, a distance of 180.01 feet to the southeast corner of Lot E, Block 67, being the POINT OF BEGINNING; thence continue North 87°46'46" West, along the south line of Lot E, Block 66, a distance of 317.65 feet to the west line of Lot E, said Block 67; thence North 01 "25'23" East along said line, 135.79 feet to the southeast corner of Lot D, said Block 68; thence North 87°47'34" West along the south line of said Lot D, 177.16 feet to the southeast right-of-way line of Melaleuca Lane; thence North 45°09'15" East along said right-of-way line, 131.86 feet to a point of curvature; thence northeasterly along said right-of-way line being an arc of a curve concave to the southeast having a radius of 791.00 feet, a central angle of 34°00'23", and an arc distance of 469.48 feet to the east line of said Lot B, Block 67; thence South 01 "25'03" West along the east line of said Lots B, C, D, and E, Block 67, a distance of 464.07 feet to the POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

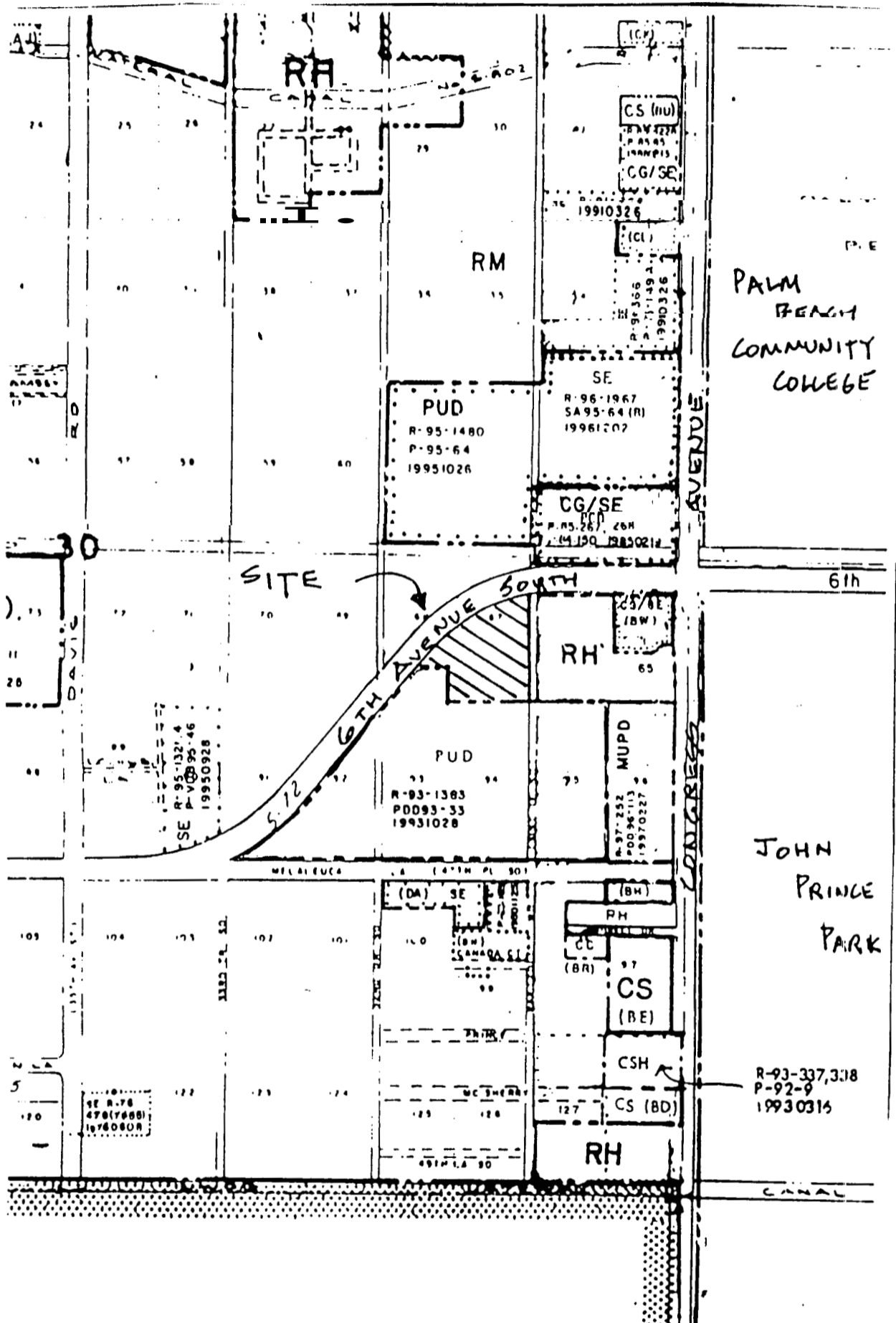


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 September 2, 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)

B. ARCHITECTURAL CONTROL

1. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
2. Similar architectural character and treatment shall be provided on all sides of the building. (BLDG PERMIT: BLDG-Zoning)
3. Interior and exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (BLDG PERMIT: MONITORING - Bldg/ Zoning)

C. BUILDING AND SITE DESIGN

1. The maximum height for the two story structure shall not exceed thirty-five (35) feet measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final site plan approval by the Development Review Committee, the petitioner shall obtain a letter from Palm Beach County Water Utilities approving the proposed landscaping and six (6) foot high masonry screen wall within the utility easements. (DRC: ZONING/Utilities)

D. HEALTH

1. Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 10D-104FAC. (ONGOING: HEALTH/CODE ENF)
2. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENF)
3. 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 the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)

E. ENGINEERING

1. Prior to the DRC approval the property owner shall either:
 - abandon the existing right of way adjacent to the site (or)
 - amend the site plan to provide for a minimum 50 foot right of way to serve the project from Melaleuca Lane to the projects south property line. (DRC APPROVAL: ENG)
2. Prior to the DRC approval the property owner shall either:
 - abandon the existing right of way adjacent to the site and provide the adjacent parcel a **cross** access easement over the abandoned right of way (or)
 - amend the site plan to provide for a minimum 50 foot right of way to serve the project from Melaleuca Lane to the projects south property line. (DRC APPROVAL:ENGINEERING)
3. Prior to the issuance of a Building Permit, the Developer shall plat the subject property in accordance with provisions of the Unified Land Development Code. (BLDG PERMIT: MONITORING - Eng)
4. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS
 - 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 Melaleuca Lane rights-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planning Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement 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 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 Homeowner'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 on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng.)

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit to reflect this obligation. (BLDG.PERMIT:MONITORING - Eng.)

F. LANDSCAPING - STANDARDS

1. Fifty percent (50%) of 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.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. 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 or grey w sod, whichever is greater;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet;
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG NORTH PROPERTY LINE (MELALEUCA LANE)

1. Landscaping and buffering along the north property line shall include:
 - a. minimum twenty (20) feet wide landscape buffer strip with a maximum overlap of five (5) feet into any utility easement;
 - b. undulating berm with an average height of two and a half (2.5) feet measured from the top of curb;
 - c. one (1) tree for twenty (20) linear feet of frontage;
 - d. one (1) palm for each twenty-five (25) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters;
 - e. twenty four (24) inch high shrub or hedge material installed twenty four (24) inch on center and maintained at a minimum height of thirty six (36) inches in height. (DRC/ONGOING: LANDSCAPE/CODE ENF-Zoning)

H. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south and west property lines shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. A six (6) foot high masonry screen wall with both the interior and exterior sides of the wall given a finished architectural treatment. (DRC/CO: LANDSCAPE - Zoning)

2. The following landscaping requirements shall be installed on alternating sides of the masonry screen wall:
 - a. One (1) canopy tree planted for every twenty (20) linear feet of property line;
 - b. One (1) palm or pine tree planted for every thirty (30) linear feet of property line with maximum sixty (60) feet between clusters;
 - c. A group of three palms may supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)
3. The following landscaping requirements shall be installed on both the interior and exterior sides of the required wall:
 - a. Thirty (30) inch high thorny shrub 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. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG EAST PROPERTY LINE (ADJACENT TO SHARED ACCESS DRIVE)

1. Landscaping and buffering along the shared access drive shall include:
 - a. minimum fifteen (15) feet wide landscape buffer strip with a maximum overlap of five (5) feet into any utility easement;
 - b. undulating berm with an average height of two (2) feet measured from the top of curb;
 - c. one (1) tree for twenty (20) linear feet of frontage;
 - d. one (1) palm for each twenty-five (25) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters;
 - e. twenty four (24) inch high shrub or hedge material installed twenty four (24) inch on center and maintained at a minimum height of thirty six (36) inches in height. (DRC/ONGOING: LANDSCAPE/CODE ENF-Zoning)

J. LANDSCAPING - INTERIOR

1. Landscaping within the proposed thirty (30) foot wide open space resulting from the previously platted roadway being abandoned shall include:
 - a. one (1) tree for each three hundred (300) square feet;
 - d. one (1) palm for each five hundred (500) square feet with a maximum spacing of sixty (60) feet on center between clusters. (CO: LANDSCAPE - Zoning)
2. Landscape foundation planting areas shall be provided along the facades of the building. The minimum depth of the planting areas shall be nine (9) feet and no less than seventy-five percent (75%) of the total length of the applicable side of the building's facade. All foundation areas shall be planted with a minimum of one (1) tree or palm every 20 feet on center and include ground cover plant material. (DRC/CO: ZONING / LANDSCAPE:)

K. 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)

2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting fixtures shall be setback a minimum distance of sixty (60) feet from residential property lines. (DRC/BLDG PERMIT: BLDG-Zoning)
4. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: **CODE ENF**)
5. 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)

L. SIGNS

1. Point of purchase signage shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - seven (7) feet;
 - b. Maximum sign face area per side - 70 square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only. (BLDG PERMIT: BLDG - Zoning)
2. Wall signs be limited to only the north facade of the building. (BLDG PERMIT: BLDG - Zoning)

M. USE LIMITATIONS

1. Use of the site shall be limited to maximum 30,250 square feet for medical/dental offices or other permitted type offices that generate comparable or less traffic. (DRC: TRAFFIC/ZONING)
2. Office hours open to the public shall not commence prior to 7:00 a.m. nor continue later than 10:00 p.m. daily. Any on-site deliveries or pick-ups shall occur during the office hours open to the public. (ONGOING: CODE ENF - Zoning)

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)
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)