

RESOLUTION NO. R-2005- 2295

RESOLUTION APPROVING ZONING APPLICATION CA2005-472
(CONTROL NO. 2004-200)
CLASS A CONDITIONAL USE
PETITION OF HMRS, LLC
BY BASEHART CONSULTING, INC.AGENT
(JOG 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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067) 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 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application CA2005-472 was presented to the Board of County Commissioners at a public hearing conducted on November 17, 2005; 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 2.E (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 has considered the findings in the staff report and 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 4.B, 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 2.F, Concurrency 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 2 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 Application CA2005-472, the petition of HMRS, LLC, by Basehart Consulting, Inc., agent, for a Class A Conditional Use to allow a medical office in the Limited Office Commercial 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 November 17, 2005, 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 KOONS and, upon being put to a vote, the vote was as follows:

| | | |
|-----------------------------------|---|------------|
| Tony Masilotti, Chair | - | AYE |
| Addie L. Greene, Vice Chairperson | - | AYE |
| Karen T. Marcus | - | AYE |
| Jeff Koons | - | AYE |
| Warren H. Newell | - | AYE |
| Mary McCarty | - | AYE |
| Burt Aaronson | - | AYE |

The Chairman thereupon declared that the resolution was duly passed and adopted on November 17, 2005.

Filed with the Clerk of the Board of County Commissioners on 8TH day of DECEMBER, 2005

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

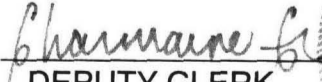
SHARON R. BOCK,
CLERK & COMPTROLLER
BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

THE EAST HALF (E,1/2) OF THE SOUTHEAST QUARTER (S,E,1/4) OF THE NORTHEAST QUARTER (N,E,1/4) OF THE NORTHWEST QUARTER (N,W,1/4) EXCEPT THE EAST 20 FEET THEREOF AND THE SOUTH 25 FEET THEREOF ALL IN SECTION 34 TOWNSHIP 45 SOUTH RANGE 42 EAST PALM BEACH COUNTY FLORIDA,

LESS THAT CERTAIN RIGHT OF WAY CONTAINING 0,885 ACRES MORE OR LESS CONVEYED TO PALM BEACH COUNTY CONSISTING OF A PORTION OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1579 PAGE 492 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA ALSO LYING IN THE NORTHWEST ONE-QUARTER OF SECTION 34 TOWNSHIP 45 SOUTH RANGE 42 EAST PALM BEACH COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 34 THENCE SOUTH 0°13'23"PE, ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 34 A DISTANCE OF 665.70 FEET TO THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 34 THENCE N.89°13'01"W. ALONG SAID NORTH LINE A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.89°39'01"W. ALONG SAID NORTH LINE A DISTANCE OF 61.83 FEET THENCE S.1°08'23"E. A DISTANCE OF 113.91 FEET) THENCE S.0°13'23"HE. ALONG A LINE 80.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 34 A DISTANCE OF 527.13 FEET THENCE S.89°15'30"HE, A DISTANCE OF 60.00 FEET; THENCE N.01°13'23"P"W, ALONG A LINE 20.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SAID EAST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 34 A DISTANCE OF 640.78 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE LYING AND BEING IN PALM BEACH COUNTY FLORIDA.

TOGETHER WITH:

THE SOUTH 25 FEET OF THE EAST ONE-HALF (E,1/2) OF THE SOUTHEAST ONE-QUARTER (S,E,1/4) OF THE NORTHEAST ONE-QUARTER (N,E,1/4) OF THE NORTHWEST ONE-QUARTER (N,W,1/4) OF SECTION 34.. TOWNSHIP 45 SOUTH RANGE 42 EAST. LESS THE EAST 81.83 FEET THEREOF CONSISTING OF THE RIGHT OF WAY FOR JOG ROAD PALM BEACH COUNTY FLORIDA.

EXHIBIT B
VICINITY SKETCH

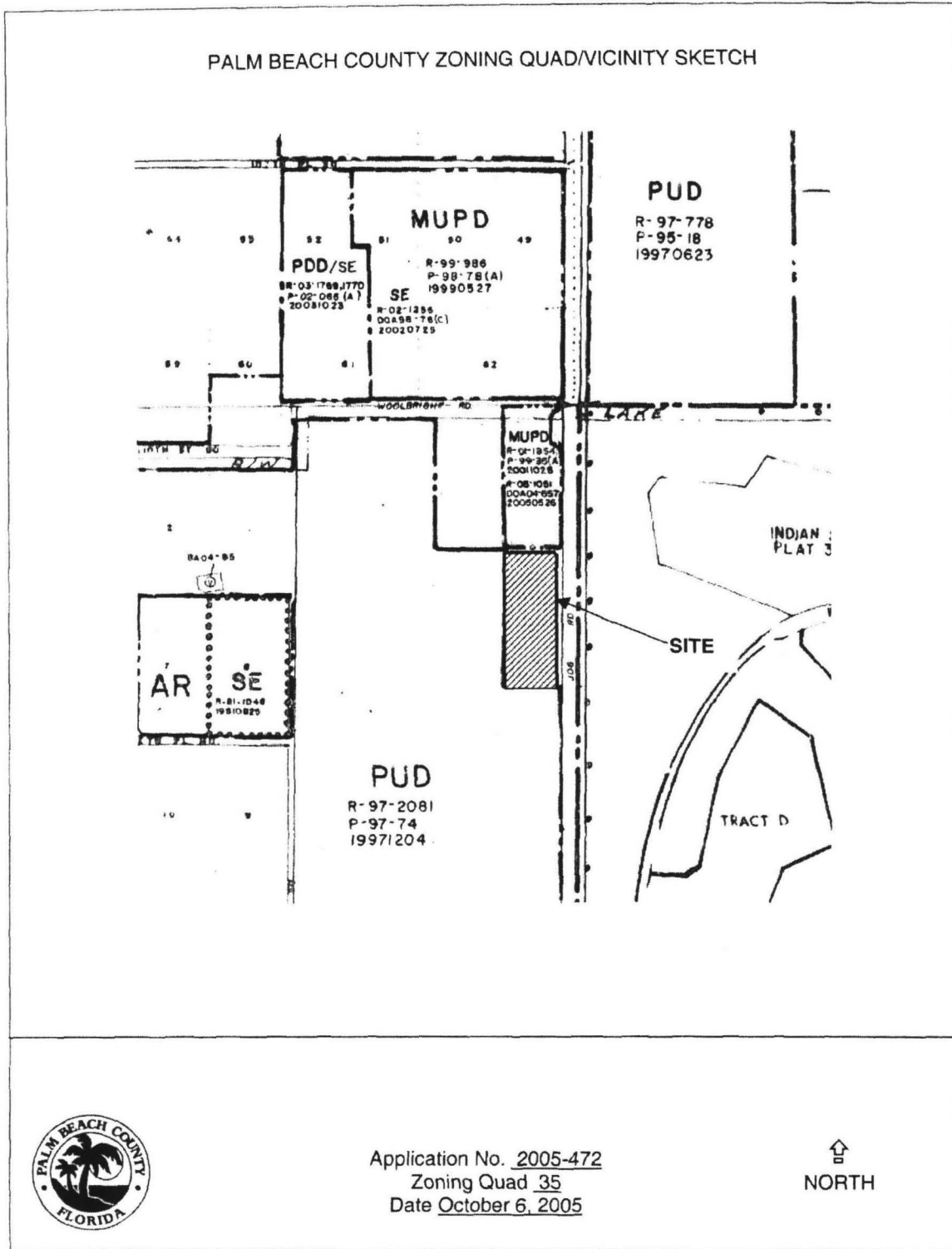


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated June 28, 2005. 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. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the office buildings shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. The tile roof, masonry and color of the buildings shall be generally consistent with that of the of the existing buildings to the north, Petition 99-035. Development shall be consistent with the approved architectural elevations, the DRO approved plans, all applicable conditions of approval, and all ULDC requirements. (DRO: ZONING-Arch Review)
2. The proposed buildings shall be designed and constructed to be consistent with the facade elevations prepared by Kenneth R. Carlson, Architect, P.A., and dated June 28, 2005, 2005. Deviations are permitted in accordance with Article 5.C. of the ULDC and subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW-Zoning)

ENGINEERING

1. TRAFFIC PERFORMANCE STANDARDS PHASING REQUIREMENTS

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

No Building Permits for the site may be issued after January 1, 2009. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING:ERM-Erm)

HEALTH

1. Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: HEALTH/CODE ENF)

LANDSCAPING-STANDARD

1. A minimum of seventy-five (75) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT:LANDSCAPE-Zoning)
2. All palms required to be planted on the property 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. (BLDG PERMIT:LANDSCAPE-Zoning)
3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT:LANDSCAPE-Zoning)
4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT:LANDSCAPE-Zoning)

LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF JOG ROAD)

1. In addition to the proposed landscaping and code requirements, landscaping along the east property line shall be upgraded to include:
 - a. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2 1/2) feet. Berm height shall be measured from the nearest top of curb or the nearest finished floor elevation, whichever is higher; and,
 - b. one (1) palm or pine for each for each twenty-five (25) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

LANDSCAPING ALONG THE WEST AND SOUTH PROPERTY LINES ABUTTING VALENCIA ISLES PUD (PET. 97-074)

1. In addition to the proposed landscaping and code requirements, landscaping along the west and south property lines shall be upgraded to include:
 - a. a continuous three (3) foot high berm, height shall be measured from the nearest top of curb or the nearest finished floor elevation, whichever is higher;
 - b. a six (6) foot high masonry wall on the crest of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
 - c. one (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and
 - d. all plant materials required by code or by this condition shall be installed alternatively on both sides of the wall. (BLDG PERMIT:LANDSCAPE-Zoning)

LANDSCAPING – INTERIOR

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall indicate a decorative architectural feature located on either side of the entrance drive to serve as a focal point. Details of these features shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW-Zoning)

MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Preliminary Development Plan and/or final plan prior to final approval of the DRO. The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)
2. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT/BLDG PERMIT: MONITORING-Eng)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to include a notation, at the vehicular cross access connection to the northern property line shown on the certified plan, which shall read proposed vehicular cross access to be paved to the property line". (DRO: PLANNING - Planning)
2. Prior to the issuance of a certificate of occupancy, the property owner shall pave the property to the edge of the northern property line at the location shown on the site plan that reads proposed vehicular cross access...". This cross access shall align with the approved or existing vehicular cross access for the property to the north. (CO: MONITORING - Planning)

3. Prior to final approval by the Development Review Officer (DRO), the property owner shall record a cross access easement from the subject property to the property to the north in a form acceptable to the County Attorney. (DRO: COUNTY ATTY - Planning)

RODENTS

1. Prior to the issuance of a vegetation removal permit for the subject property, the property owner shall enter into a contract with a licensed exterminator for the removal and control of any rodents on the subject property. A copy of this contract or other acceptable documentation shall be submitted to the Building Division verify compliance. (VEG PERMIT: ERM - Zoning)

SIGNS

1. Freestanding sign fronting on Jog Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point eight (8) feet;
 - b. maximum sign width twelve (12) feet;
 - c. maximum sign face area per side - one hundred fifty (150) square feet;
 - d. maximum number of signs - one (1) for the overall site;
 - e. style - monument style only; and,
 - f. signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)
2. Building mounted signs shall be prohibited for any restaurant tenant or use. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS

1. Outdoor dining in conjunction with any restaurant tenant or use shall be prohibited. (DRO: ZONING - Zoning)
2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property, except within designated loading and delivery areas. (ONGOING: CODE ENF - Zoning)
3. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. Monday through Saturday. This condition does not apply to employees working overtime. (ONGOING: CODE ENF-Zoning)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: WUD - WUD)

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 Code Enforcement Special Master 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 Article 2.E 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. (ONGOING: MONITORING - Zoning)