

RESOLUTION NO. R-2007- 1040

RESOLUTION APPROVING ZONING APPLICATION R2007-330
(CONTROL NUMBER 2006-277)
REQUESTED USE
APPLICATION OF HEALTH CARE DISTRICT OF PBC
BY KILDAY & ASSOCIATES, INC., AGENT
(GLADES REPLACEMENT HOSPITAL)

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 applications relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Requested 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 R2007-330 was presented to the Board of County Commissioners at a public hearing conducted on June 28, 2007; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant 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 (Monitoring) 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 Requested Use is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Requested Use complies with relevant and appropriate portions of Article 4.B, Supplementary Use Standards of the Palm Beach County Unified Land Development Code. This Requested Use also meets applicable local land development regulations.
3. This Requested 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Requested Use has a concurrency determination and complies with Article 2.F (Concurrency) of the ULDC.

6. This Requested 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.
7. This Requested Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Requested 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.
9. This Requested Use, with conditions as adopted, is consistent with the applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Requested Use.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 R2007-330, the application of Health Care District of PBC, by Kilday & Associates, agent, for a Requested Use to allow a Hospital or Medical Center in the Multiple Use Planned Development 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 June 28, 2007, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	-	Aye
John F. Koons, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 28, 2007.

Filed with the Clerk of the Board of County Commissioners on 10th day of July.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 43 SOUTH, RANGE 37 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 19, THENCE SOUTH 00°16'48" EAST ALONG THE EAST LINE OF SAID SECTION 19, A DISTANCE OF 100.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF HOOKER HIGHWAY, A 100 FOOT RIGHT-OF-WAY ACCORDING TO AN UNRECORDED TRUSTEES OF THE INTERNAL IMPROVEMENT FUND DEED NO. 20960 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP OF S.R. 15, SECTION NO. 93130-2505 AND THE POINT OF BEGINNING. THENCE CONTINUE SOUTH 00°16'48" EAST ALONG SAID SECTION LINE, A DISTANCE OF 3.88 FEET TO A LINE LYING 122.37 FEET NORTHWESTERLY OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF THE FEC RAILROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 2159, PAGE 115 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 16°26'24" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1221.15 FEET TO THE NORTH LINE OF THE TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND LEASE AGREEMENT, LEASE NO. 4284, DATED SEPTEMBER 20, 2002; THENCE NORTH 89°55'24" WEST ALONG SAID NORTH LINE, A DISTANCE OF 1680.17 FEET TO A LINE LYING 712.97 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE NORTH 00°15'50" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 1171.51 FEET TO SAID SOUTH RIGHT-OF-WAY LINE OF HOOKER HIGHWAY; THENCE NORTH 89°57'41" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2031.14 FEET TO THE EAST LINE OF SAID SECTION 19 AND THE POINT OF BEGINNING.

THE PROPERTY AS SURVEYED CONTAINS 50.00 ACRES OR 2,178,011 SQUARE FEET MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

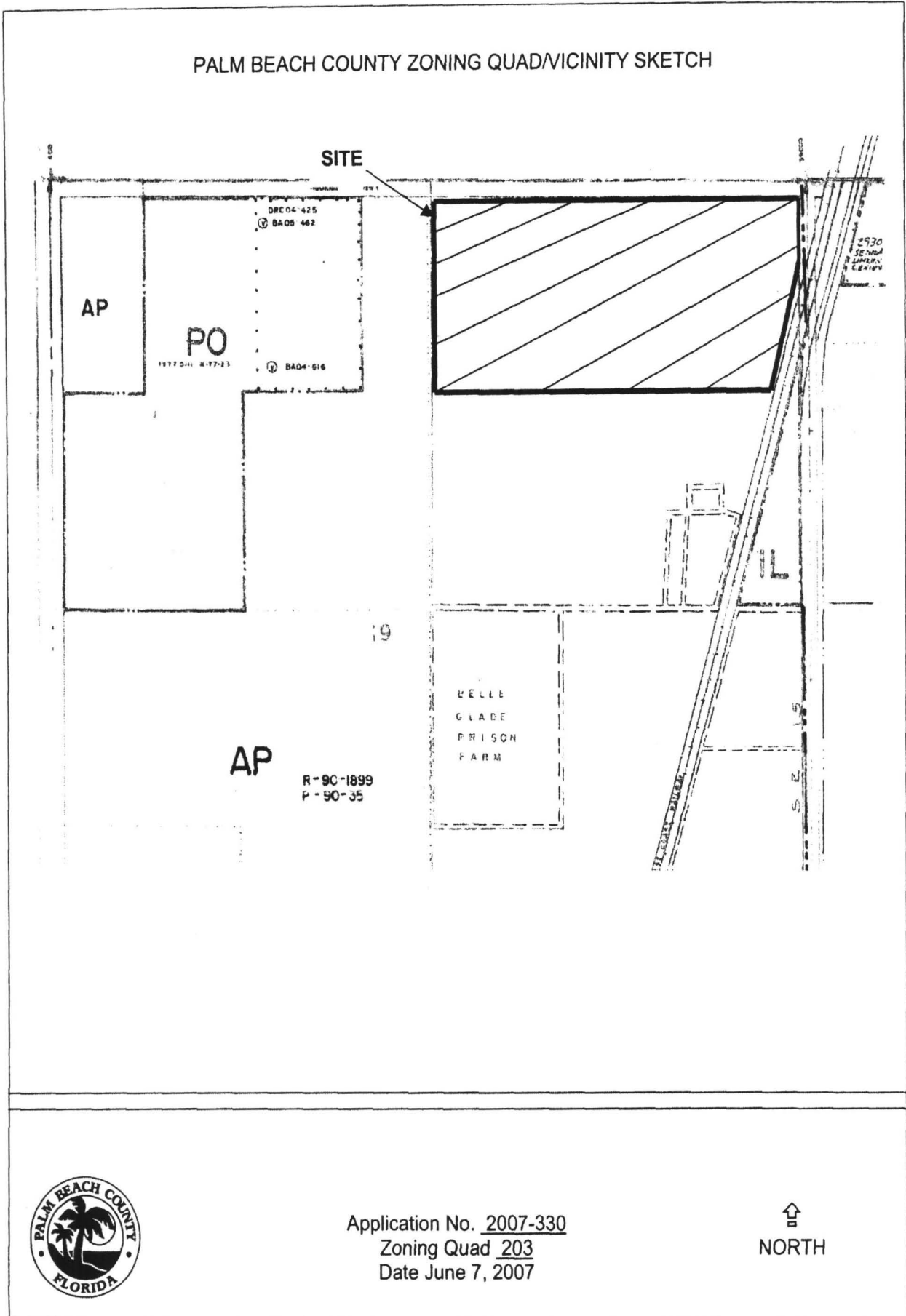


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved Master Plan is dated April 16, 2007. All modifications must be approved by the Board of County Commissioners or Zoning Commission 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 all building shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW-Zoning)
2. All roof or ground mounted air conditioning, mechanical equipment, electrical equipment and satellite dishes 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. (DRO: ARCH REVIEW-Zoning)
3. The exterior elevations of all buildings shall integrate the scuppers, gutters and downspouts into the architectural design of the building. Painting shall not constitute integration. (DRO: ARCH REVIEW-Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:
 - A. No certificates of occupancy shall be issued until a full traffic signal (i.e. not flasher convertible) is operational at the intersection of Hooker Highway and SR 715. The traffic signal shall be a mast arm or as approved by the Traffic Division Director. (CO: MONITORING Eng)
 - B. No Building Permits for the site may be issued after January 1, 2022. 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)
2. Acceptable surety required for the signalization as outlined in Condition No.1A above shall be posted with the Office of the Traffic Division on or before December 28, 2007. Surety in the form of a cash bond or escrow agreement shall be provided to the Traffic Division in an amount as determined by the Director of the Traffic Division. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Traffic Division at the time the final construction plans are completed. (DATE: MONITORING - Eng)
3. Prior to January 1, 2009, the property owner shall provide a ten (10) foot wide temporary roadway construction easement along Hooker Highway to Palm Beach County This roadway construction easement shall contain an isosceles

trapezoid connecting the required corner clips across this property owners entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT:MONITORING-Eng)

4. The Property owner shall construct:

A. a right turn lane west approach on Hooker Highway at the projects west entrance road.

B. a left turn lane east approach on Hooker Highway at the projects west entrance road.

C. a left turn lane east approach on Hooker Highway at the projects east entrance road.

D. bus pull off lane on the south side of Hooker Highway, 50 feet east of the projects west entrance road.

E. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

F. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)

G. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

5. On or before January 1, 2009, the property owner shall provide to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Hooker Highway along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Sections of the included segment.

If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (DATE:MONITORING-Eng)

6. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by

the County Engineer for Hooker Highway 110 feet from centerline. All right of way deeds and associated documents shall be provided and approved prior to January 1, 2009.

Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements.

In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate provisions for Expanded Intersection Details and "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng)

HEALTH

1. Prior to the issuance of a building permit the property owner shall be in receipt of a Site Rehabilitation Completion Order or a No Further Action determination from the Florida Department of Environmental Protection. (BLDG PERMIT: MONITORING-Health)
2. The property shall be served by sanitary sewer and a community water system. Neither an onsite sewage treatment and disposal system (OSTDS) nor potable water wells shall be approved for use on the property. All existing OSTDS shall be abandoned in accordance with Chapter 64E-6, FAC, and Palm Beach County ECR-I. All existing potable water wells shall be abandoned in accordance Chapter 64E-8, FAC, and Palm Beach County ECR-II. (ONGOING: HEALTH-Health)
3. The 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: CODE ENF-Health)

LANDSCAPE - INTERIOR

1. Prior to final site plan approval the site plan shall be amended to indicate special planting treatment on both sides of the access points on Hooker Highway and on the northeast corner of the site. Planting shall consist of the following:
 - a. a minimum of three (3) Royal Palms, or other specimen palm that is acceptable to the Landscape Section along each side of the access point(s); and/or,
 - b. a minimum of three (3) flowering trees along each side of the access point(s); and,
 - c. appropriate shrub or hedge materials on both sides of the access point(s).(BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPE – STANDARD

1. A minimum of sixty five (65%) 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. LANDSCAPING ALONG THE SOUTH, EAST AND WEST PROPERTY LINE.

In addition to code requirements and the proposed landscaping and buffer width along the south, east and west property lines shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip which may be divided into two- ten (10) foot strips with 10 feet relocated adjacent to the parking areas and north of the 11.5 acre retention area;
 - b. required shrub material may also be relocated adjacent to the parking areas, and interior to the site pursuant to a variance approved by the Zoning Commission dated June 7, 2007; and,
 - c. a vinyl coated chain link fence up to 8 feet in height may be installed along the perimeter of the site if required for security purposes. (BLDG PERMIT: LANDSCAPE - Zoning)
3. LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF HOOKER HWY (SR80)). In addition to the code requirements and the proposed landscaping and/or buffer width along the north property line property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a zero to four (4) foot high undulating berm along a minimum fifty percent (50%) of the property line. Berm location shall be finalized and shown on the Landscape Plan prior to the issuance of a building permit;
 - c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - d. a vinyl coated chain link fence may be installed behind or within the buffer if required for security purposes. (BLDG PERMIT: LANDSCAPE - Zoning)

PALM TRAN

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 Master Plan and/or site plan prior to final approval of the Development Review Officer (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, 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 is required. (PLAT: ENG/MONITORING-Palm Tran)

3. Prior to final approval by the Development Review Officer (DRO), the property owner shall amend the Master Site Plan to indicate mass transit circulation, bus access, and/or bus stops on or adjacent to the subject property. (DRO: PALM TRAN-Zoning)
4. The location of a Bus Bay and/or Bulb Out at a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). This in conjunction with a Bus Stop Boarding and Alighting Area easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)

PLANNING

1. Final site plan approval shall not be received until such time as the FLU amendment, (Glades Replacement Hospital, LGA 2007-00015), adopted by the Board of County Commissioners (BCC) on April 26, 2007, is effective. (DRO: PLANNING - Planning)

SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate an additional pedestrian pathway in the north central parking lot. This pathway shall connect from the parking area to the easternmost entry of the Hospital. (DRO:ARCH REVIEW Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate the central main pathway in the north central parking lot at a minimum width of eight (8) feet. (DRO:ARCH REVIEW Zoning)
3. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate a total of six (6) public pedestrian amenities. Each pedestrian amenity shall include but not be limited to:
 - a. public art, not depicting any advertising; fountains of at least eight (8) feet in height and sixteen (16) feet in diameter; or a pergola; bell or clock tower; with public seating areas that are not in conjunction with a restaurant; and,
 - b. these public seating areas shall be a minimum of eight hundred (800) square feet and twenty-five (25) feet in width. (DRO:ARCH REVIEW Zoning)
4. Prior to final approval by the Development Review Officer (DRO), the site/regulating plans shall be amended to indicate all pedestrian crossings. The pedestrian crossings shall be demarcated by concrete paving DuraTherm" or equivalent surface. (DRO:ARCH REVIEW Zoning)

VARIANCE

1. The development order for this variance shall remain valid for the life of the Development Order for Zoning application PDD/R-2007-333.

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.

Departmental administrative actions made pursuant to this condition may be appealed as 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)