

RESOLUTION NO. R-2007-1434

RESOLUTION APPROVING ZONING APPLICATION DOA2007-333  
(CONTROL NUMBER 2005-081)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF TEMPLE MEDICAL, LLC  
BY MILLER LAND PLANNING, AGENT  
(TEMPLE MEDICAL)

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, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA2007-333 was presented to the Board of County Commissioners at a public hearing conducted on August 23, 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 recommendation of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment 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 Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
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 Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

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

WHEREAS, Article 2.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 DOA2007-333 the application of Temple Medical, LLC, by Miller Land Planning, agent, for a Development Order Amendment to modify/delete a condition of approval 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 August 23, 2008, 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 Aaronson 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
District 3 Robert Kajian	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 23, 2007.

Filed with the Clerk of the Board of County Commissioners on 11th day of September 2007.

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

BY:

  
DEPUTY CLERK  


EXHIBIT A

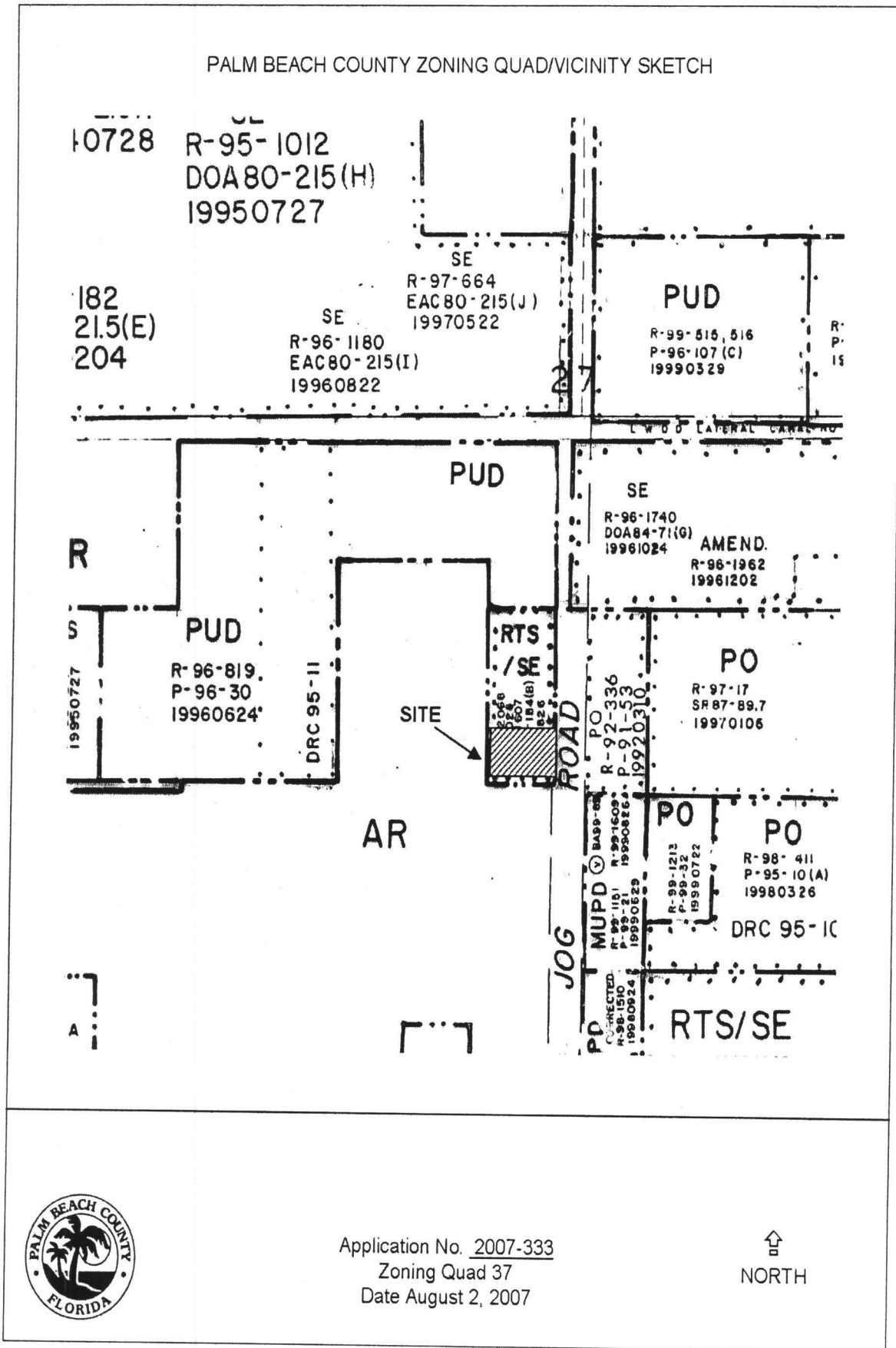
LEGAL DESCRIPTION

PARCEL 2:

A PORTION OF "THE EAST ½ OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF "BRISTOL POINT" AS RECORDED IN PLAT BOOK 85, PAGES 187 THROUGH 190, OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89 DEGREES 20 MINUTES 56 SECONDS WEST ALONG THE SOUTH LINE OF THE NE 1/4 OF THE NW 1/4 SECTION 27-46-42, A DISTANCE OF 281.40 FEET TO AN ANGLE POINT IN SAID "BRISTOL POINT"; THENCE NORTH 00 DEGREES 17 MINUTES 20 SECONDS WEST ALONG THE EAST LINE OF THE WEST ½ OF THE SE 1/4 OF THE NE 1/4 OF SECTION 27-46-42 A DISTANCE OF 232.20 FEET; THENCE NORTH 89 DEGREES 20 MINUTES 56 SECONDS EAST A DISTANCE OF 281.42 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF JOG ROAD AS NOT ESTABLISHED HAVING A RIGHT OF WAY WIDTH OF 120 FEET; THENCE SOUTH 00 DEGREES 17 MINUTES 05 SECONDS EAST ALONG SAID WEST RIGHT-OF-WAY OF JOG ROAD, A DISTANCE OF 232.20 FEET TO THE POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-0285 (Control 2005-0281), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. ALL PETITIONS Condition 1 of Resolution R2006-0285, Control 2005-081 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 December 19, 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)

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 September 27, 2006. 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)

3. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate a twenty (20) foot wide access easement connecting to the south property line. The easement shall be perpendicular to the property line and the easternmost edge of the easement shall be located sixty (60) feet west of the Jog Road right-of-way. (DRO:COUNTY ATTY Zoning) (Previous ALL PETITIONS Condition 2 of Resolution R2006-0285, Control 2005-081)
4. Prior to issuance of a Certificate of Occupancy (CO), the property owner shall record the twenty (20) foot wide access easement in a form and manner that is acceptable to the County Attorney's office. (CO:MONITORING County Atty) (Previous ALL PETITIONS Condition 3 of Resolution R2006-0285, Control 2005-081)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the medical office building shall be submitted 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 plans, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW-Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R2006-0285, Control 2005-081)
2. The maximum height of the medical office building shall be thirty-five (35) feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW -Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R2006-0285, Control 2005-081)

3. Design of gutters and downspouts shall be integrated into the architectural design of the building. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R2006-0285, Control 2005-081)

## ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after February 27, 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) (Previous ENGINEERING Condition 1 of Zoning Resolution R2006-0285, Control 2005-081)

2. LANDSCAPE WITHIN THE MEDIAN OF JOG ROAD

The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Jog Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by property owner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County, unless the property owner provides payment for maintenance as set forth in Paragraph d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - ENG)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - ENG)

c. At the property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the property owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the property owner. The property owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the property owner. (ONGOING: ENG - ENG)

d. Also, prior to the issuance of a building permit, and at the option of the property owner, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Jog Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENG - ENG) (Previous ENGINEERING Condition 2 of Resolution R2006-0285, Control 2005-081)

3. Prior to final site plan approval by the Development Review Officer, the property owner shall record a shared parking, cross access and cross drainage easement between this property and the adjacent parcel to the north. This easement shall be approved by the County Attorney and the County Engineer prior to recordation. (DRO: ENG - ENG) (Previous ENGINEERING Condition 3 of Resolution R2006-0285, Control 2005-081)

#### 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) (Previous ENVIRONMENTAL Condition 1 of Resolution R-2006-0285, Petition # 2005-081)

#### HEALTH

1. Health Condition 1 of Resolution R2006-0285, Control 2005-081, which currently states:

Owners or 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)

Is hereby deleted. [REASON: Code Requirement]

#### ZONING - LANDSCAPING-STANDARD

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein, and all ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING Condition 1 of Resolution R2006-0285, Control 2005-081)
2. A minimum of fifty percent (50%) of all trees to be planted in the landscape buffers shall 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) (Previous ZONING - LANDSCAPING Condition 2 of Resolution R2006-0285, Control 2005-081)
3. 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) (Previous ZONING - LANDSCAPING Condition 3 of Resolution R2006-0285, Control 2005-081)

4. 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) (Previous ZONING - LANDSCAPING Condition 4 of Resolution R2006-0285, Control 2005-081)
5. Field adjustment of berm, wall 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) (Previous ZONING - LANDSCAPING Condition 5 of Resolution R2006-0285, Control 2005-081)

#### ZONING - LANDSCAPING-ALONG EAST PROPERTY LINE (FRONTAGE OF JOG ROAD)

6. In addition to code requirements, landscaping along the east property line shall be upgraded to include:
  - a. a two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet; and,
  - b. a minimum of one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING ALONG EAST PROPERTY LINE (FRONTAGE OF JOG ROAD) Condition 1 of Resolution R2006-0285, Control 2005-081)

#### LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning) (Previous LIGHTING Condition 1 of Resolution R2006-0285, Control 2005-081)
2. All outdoor lighting shall be extinguished no later than one-half hour after business hours daily, excluding security lighting and time of worship services for the adjacent place of worship to the north only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 2 of Resolution R2006-0285, Control 2005-081)

#### SIGNS

1. Freestanding sign fronting on Jog Road shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. maximum sign face area per side - sixty (60) square feet;
  - c. maximum number of signs - one (1) for the entire site;
  - d. style - monument style only; and,
  - e. location - within fifty (50) feet to the north of the access drive measured from edge of pavement.
  - f. signs shall be limited to identification of tenants only. (ONGOING: BLDG - Zoning) (Previous SIGNS Condition 1 of Resolution R2006-0285, Control 2005-081)
2. Wall signs shall be permitted on the east facade only. Lettering height for all wall signs shall be limited to twenty-four (24) inches. (BLDG PERMIT: BLDG-Zoning) (Previous SIGNS Condition 2 of Resolution R2006-0285, Control 2005-081)

#### USE LIMITATIONS

1. USE LIMITATIONS Condition 1 of Resolution R2006-0285, Control 2005-081, which currently states:



In accordance with the Shared Parking Study, the medical office building shall be closed to the public on the Jewish holidays of Rosh Hashanah, Yom Kippur, Passover (first two days), Shavuot, and Sukkot. (ONGOING: CODE ENF - Zoning)

Is hereby amended to read:

In accordance with the Shared Parking Study, the medical office building shall be closed to the public on the Jewish holidays of Rosh Hashanah and Yom Kippur and no landscaping or other routine maintenance will be performed at this facility on Saturdays. (ONGOING: CODE ENF - Zoning)

2. Prior to final approval by the Development Review Officer (DRO), the site plan shall indicate permissible hours and days of operation for the medical office based upon the approved Shared Parking Study. (DRO: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R2006-0285, Control 2005-081)
3. All on-site parking spaces shall be reserved for customer/public parking only. Employee parking within these spaces shall be prohibited. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R2006-0285, Control 2005-081)
4. Hours of operation for deliveries and loading activity shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R2006-0285, Control 2005-081)
5. Hours of operation for the public shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 a.m. on Saturday. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R2006-0285, Control 2005-081)

#### 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: PBCWUD - PBCWUD) (Previous UTILITIES Condition 1 of Resolution R2006-0285, Control 2005-081)

#### 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 COMPLIANCE Condition 1 of Resolution R2006-0285, Control 2005-081)

2. COMPLIANCE Condition 2 of Resolution R2006-0285, Control 2005-081, which currently states:

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)

Is hereby amended to read:

Failure to comply with any of the voluntary commitments 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 voluntary commitments; 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 the 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 Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any voluntary commitment 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)