

RESOLUTION NO. R-2016- 0554

RESOLUTION APPROVING ZONING APPLICATION ABN/CB/Z/CA-2015-00538
(CONTROL NO. 1988-00039)
a Class A Conditional Use
APPLICATION OF Treatment Center of The Palm Beaches LLC
BY Land Research Management, Inc., AGENT
(Treatment Center of the Palm Beaches)

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;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ABN/CB/Z/CA-2015-00538 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 2016;

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;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Class A Conditional Use;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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 ABN/CB/Z/CA-2015-00538, the Application of Treatment Center of The Palm Beaches LLC, by Land Research Management, Inc., Agent, for a Class A Conditional Use to allow a Medical Center, on a parcel of land generally described as shown on the legal description 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 April 28, 2016, subject to the Conditions of

Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Mary Lou Berger, Mayor	- Aye
Commissioner Hal R. Valeche, Vice Mayor	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Priscilla A. Taylor	- Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on April 28, 2016.

Filed with the Clerk of the Board of County Commissioners on May 6th, 2016.

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK FLORIDA

The seal is circular with a double-line border. The outer ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "BOARD OF COUNTY COMMISSIONERS" at the bottom, separated by a star on the left. The center of the seal contains the text "PALM BEACH COUNTY" and "CLERK FLORIDA".

EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

ALL OF THE PLAT OF LANTANA PALMS, P.U.D., ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 77, PAGE 91, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THEREFROM THAT CERTAIN PARCEL CONVEYED TO PALM BEACH COUNTY BY THAT CERTAIN WARRANTY DEED DATED AUGUST 9, 2002, RECORDED SEPTEMBER 11, 2002, IN OFFICIAL RECORD BOOK 14139, PAGE 1809, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING WITHIN THE SOUTHWEST 1/4 CORNER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A PALM BEACH COUNTY BRASS DISK IN CONCRETE MARKING THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE SOUTH 88 DEGREES 29' 46" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 36, A DISTANCE OF 337.70 FEET; THENCE NORTH 01 DEGREE 30' 14" EAST, A DISTANCE OF 55.00 FEET TO A POINT ON THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF LANTANA ROAD, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LANTANA PALMS, P.U.D. AS RECORDED IN PLAT BOOK 77, PAGE 91, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 02 DEGREES 06'14" EAST, ALONG THE WEST LINE OF SAID LANTANA PALM, P.U.D., A DISTANCE OF 14.93 FEET; THENCE DEPARTING THE WEST LINE OF SAID LANTANA PALMS, P.U.D., SOUTH 76 DEGREES, 02'36" EAST, A DISTANCE OF 43.75 FEET; THENCE SOUTH 86 DEGREES 55' 14" EAST, A DISTANCE OF 200.07 FEET TO A POINT ON THE EXISTING RIGHT-OF-WAY OF LANTANA ROAD; THENCE NORTH 88 DEGREES 29' 46" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY OF LANTANA ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 7769, PAGE 912, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 242.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 446,682 SQUARE FEET, 10.25 ACRES MORE OR LESS3

EXHIBIT B
VICINITY SKETCH

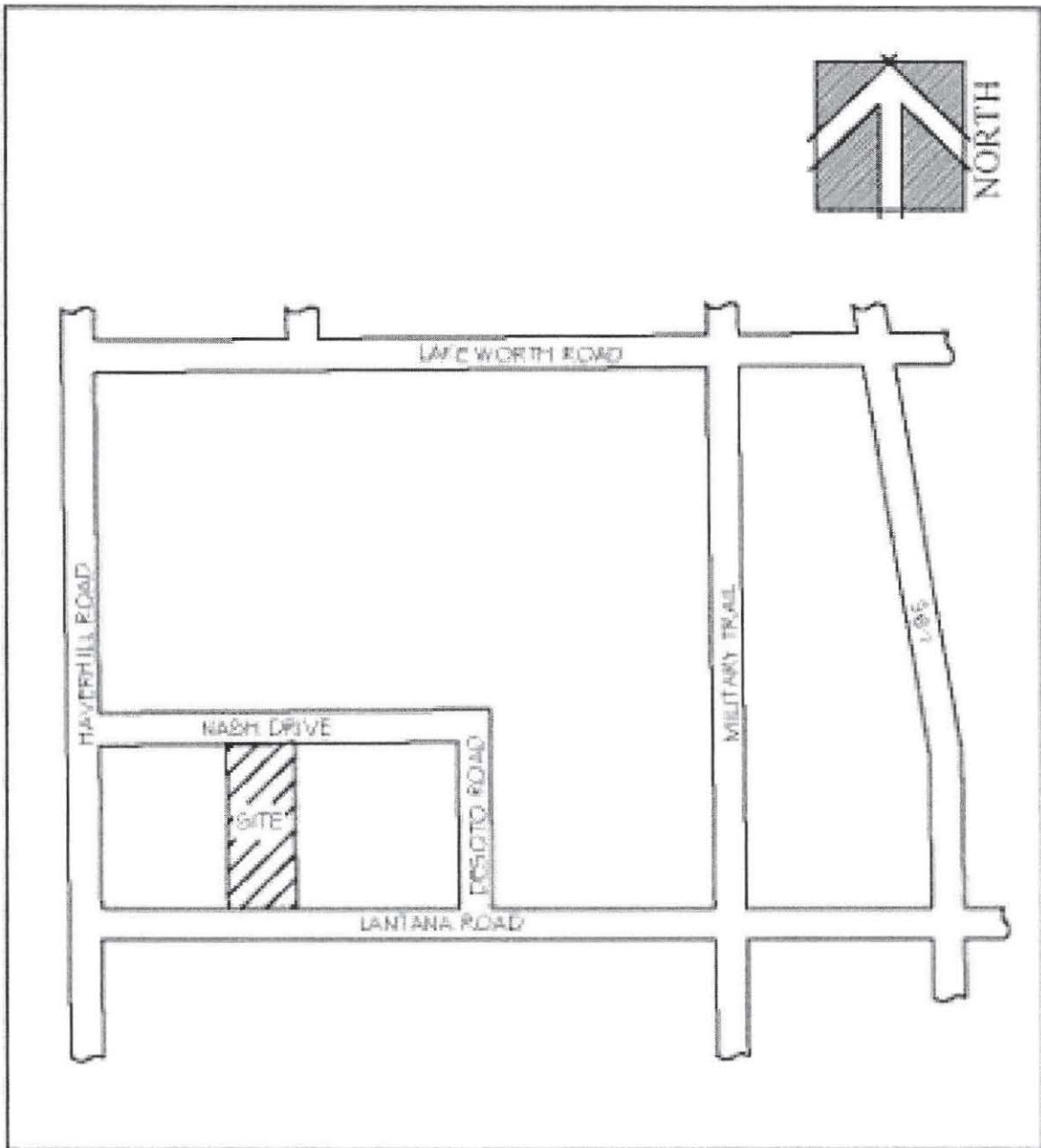


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan is dated March 7, 2016, and Regulating Plan is dated February 11, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Prior to Final Approval by the Development Review Officer (DRO), the Architectural Elevations shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - 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 Building Permits for the site may be issued after December 31, 2019. 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 - Engineering)

2. The Property Owner shall provide to the Palm Beach County Right of Way Acquisition Section of Roadway Production Division a road right of way deed and all associated documents as required by the County Engineer for:

Nash Trail, 80 feet south of the north right of way line, approximately 30 feet additional right of way, on an alignment approved by the County Engineer.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear 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, including a topographic survey. The Property Owner must further warrant 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 Property Owner, the Property Owner agrees to hold the County 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 as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

LANDSCAPE - INTERIOR

1. The Property Owner shall install additional landscaping along the north and south sides of the retention area located at the north end of the property to provide additional screening. Canopy trees shall be planted at one (1) for each twenty (20) linear feet of the perimeter of the retention area. (BLDGPMPT: ZONING - Zoning)

LANDSCAPE - PERIMETER

2. In addition to the Code requirements, the Right-of-Way landscape buffer along the north property line on Nash Trail shall be upgraded to include:

- a. a minimum width of twenty (20) feet;
- b. one (1) canopy tree for each twenty (20) linear feet of the property line. The height of the tree(s) shall be a minimum of fourteen (14) feet to sixteen (16) feet at installation;
- c. an eight (8) foot high chain link fence,
- d. an eight (8) foot high continuous hedge at installation; and,
- e. these improvements shall be completed prior to the issuance of building permits for Building A or Building B. (BLDGPMPT: ZONING - Zoning)

3. In addition to the Code requirements, the Right-of-Way buffer along the south property line and the Incompatibility buffers along the east and west property lines shall include:

- a. an eight (8) foot high vinyl coated chain link fence; and,
- b. an eight (8) foot high continuous hedge at installation. (BLDGPMPT: ZONING - Zoning)

PLANNING

1. Per LGA-2014-004; ORD 2014-009, "Hospital or medical center uses on the site shall be subject to the following: The northernmost 200 feet of the site, excluding access and/or publicly dedicated right of way for Nash Trail, shall be limited to parking, water retention, landscaping and /or drainage." (ONGOING: PLANNING - Planning)

SIGNS

1. There shall be no ground mounted freestanding or entrance wall signage along Nash Trail. (ONGOING: ZONING - Zoning)

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer (DRO), the site plan shall be revised to indicate compliance with the minimum number of loading zones pursuant to Article 6.A.1.B.1.D of the Unified Land Development Code (ULDC). (DRO: ZONING - Zoning)

2. The north access point on Nash Trail shall only be limited to Medical Staff and Emergency Services access. No public access shall be allowed. The Property Owner shall post a sign informing the public of this restriction. (ONGOING: ZONING - Zoning)

3. Prior to Final Approval by the Development Review Officer (DRO), the site plan shall be revised to eliminate the nineteen (19) parking spaces adjacent to the south side of the retention area. (DRO: ZONING - Zoning)

4. Prior to Final Approval by the Development Review Officer (DRO), the Preliminary Site Plan shall be revised to comply with the requirements of Article 7-Landscaping, or seek variances. (DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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: ZONING - 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; the 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 Unified Land Development Code 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 of Approval; 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 Condition of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.