

RESOLUTION NO. R-96- 643

RESOLUTION APPROVING ZONING PETITION DOA93-35(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF HERBERT & HEINZ KAHLERT
BY KIERAN KILDAY, AGENT
BETHESDA WEST HEALTH CARE MUPD

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, is authorized and empowered to consider petitions relating to zoning; 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 DOA93-35(A) was presented to the Board of County Commissioners at a public hearing conducted on May 23, 1996; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. 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.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

- 8. This Development order Amendment has a conaurationcy determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
- 9. 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.
- 10. This Development Order Amendment, 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 requirees 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 DOA93-35(A), the petition of Herbert & Heinz Xahlert, by Kieran Kilday, agent, for a Development Order Amendment (DOA) to add land area, vehicular access and a commercial communication tower (requested use) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally loated as shown on a vicinity sketoh attached as EXHIBIT D, attached hereto and made a part hereof, was approved on May 23, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Lee moved for the approval of the Resolution.

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

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

The Chair thoroupon declared that the resolution was duly passed and adopted on May 23, 1996.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Dan...*
COUNTY ATTORNEY

BY: *Joan Howard*
DEPUTY CLERK



Post-It* Fax Note	7871	Date	7/18/96	Page	1
To	Cheryl	From	MINUTES		
Co./Dept.	PZB	Co.	CLK of Cts.		
Phone #	233-5165	Phone #			
Fax #		Fax #			

Petition DOA93-35(A)
Project No.

196 643

- 8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
- 9. 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,
- 10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patternm.

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Commissioner Lee moved for the approval of the Reolution.

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

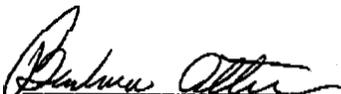
Ken Foster, Chair	--	Aye
Burt Aaronson, Vice chair	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Absent
Carol A. Roberts	--	Absent

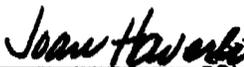
The Chair thereupon declared that the resolution was duly passed and adopted on May 23, 1996.

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



Post-It* Fax Note	7671	Date	7/18/96	# of pages	1
To	Cheryl	From	MINUTES		
Co./Dept.	PZB	Co.	CLERK of Cts.		
Phone #	233-5165	Phone #			
Fax #		Fax #			

196 643

Petition DOA93-35(A) Project No.

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

ALL OF THE PLAT OF BETHESDA HEALTH CITY, AS RECORDED IN PLAT BOOK 74, PAGES 197 AND 198, PUBLIC RECORDS OF PALM BEACH COUNTY, **FLORIDA.**

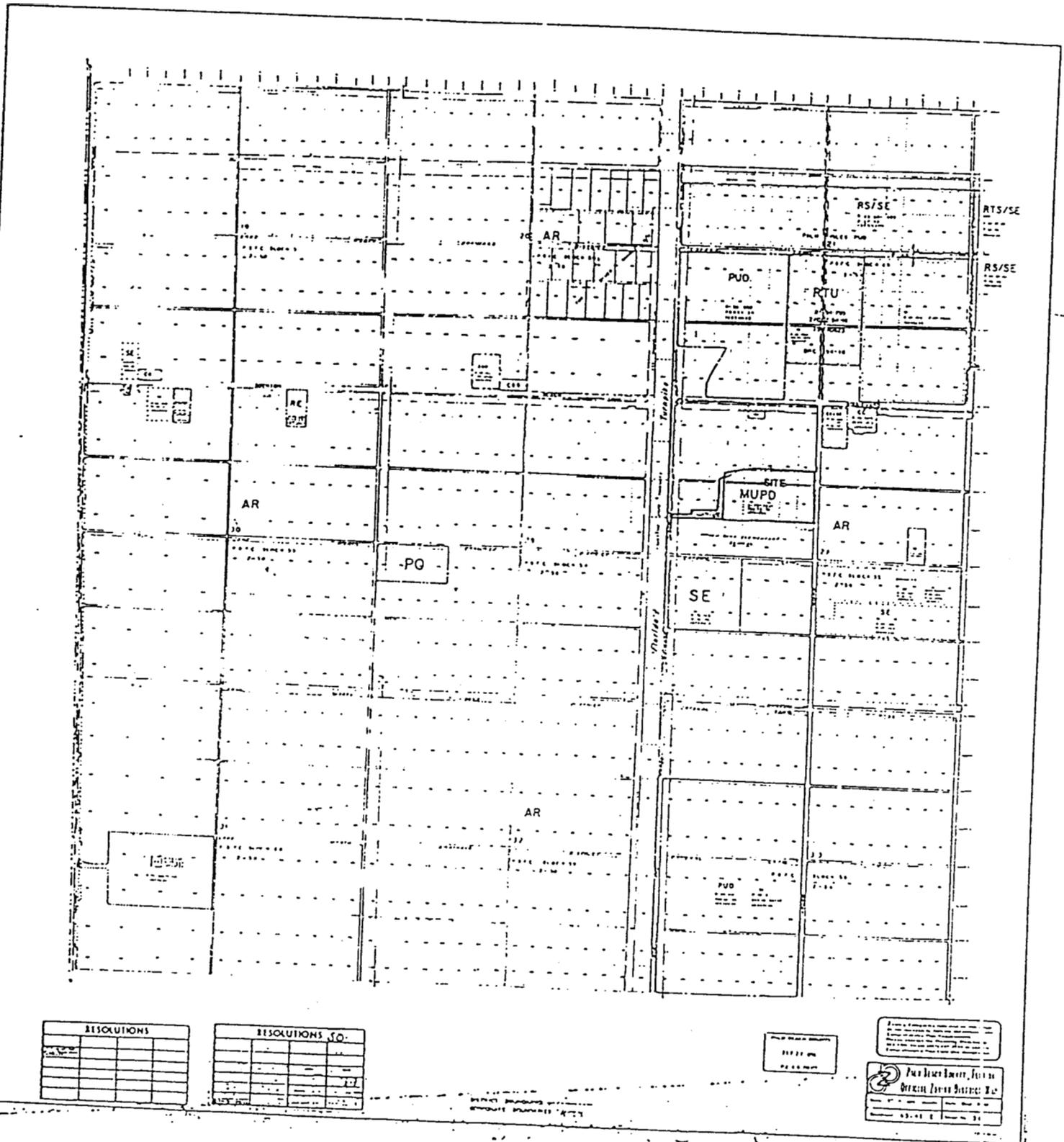
TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

BEING A PORTION OF **TRACTS** 46 THROUGH 48, A PORTION OF THE 30 FOOT ROADWAY ADJACENT TO THE **NORTH** LINE OF SAID **TRACTS** 46 THROUGH 48 AND A PORTION OF TRACT 19 ALL IN BLOCK **55**, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE PLAT OF BETHESDA HEALTH CITY, PLAT BOOK 74, PAGES 198 AND 199, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN THENCE SOUTH 89°59'57" WEST, A DISTANCE OF 928.85 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 55; THENCE NORTH 00°01'32" WEST ALONG SAID WEST LINE OF BLOCK 55, A DISTANCE OF 84.59 FEET; THENCE NORTH 89°59'57" EAST (DEPARTING FROM SAID WEST LINE OF BLOCK 55), A DISTANCE OF 368.88 FEET; THENCE NORTH 00°00'20" WEST, A DISTANCE OF 75.41 FEET; THENCE NORTH 89°59'57" EAST, A DISTANCE OF 460.00 FEET; THENCE NORTH 00°00'20" WEST A DISTANCE OF 559.80 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY (A RADIAL LINE PASSING THROUGH SAID POINT BEARS SOUTH 34°42'31" EAST) HAVING A RADIUS OF 1040.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°57'45", A DISTANCE OF 17.47 FEET TO THE POINT OF TANGENCY; THENCE NORTH 54°19'44" EAST, A DISTANCE OF 68.64 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 960.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°10'17", A DISTANCE OF 36.38 FEET TO A POINT ON THE WEST LINE OF SAID BETHESDA MEDICAL CITY; THENCE SOUTH 00°00'20" EAST ALONG SAID WEST LINE, A DISTANCE OF 790.54 FEET TO THE POINT OF BEGINNING.

CONTAINING IN TOTAL 40.183 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH



RESOLUTIONS			

RESOLUTIONS CO.			

DATE: 01/21/03
BY: [Signature]

I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.
 I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.
 I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

Paula Jones Moore, Esq.
 General Counsel
 43-41 E

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions (shown in **BOLD**) have been consolidated as indicated below.

A. GENERAL

1. All previous conditions **of** approval applicable to the subject property, as contained in Resolution **R-93-154** (Petition **93-35**), have been consolidated herein. The petitioner shall comply with all previous conditions **of** approval and deadlines previously established by Section **5.8** of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. Development **of** the site is limited to the uses and site design approved by the Board **of** County Commissioners (site plan dated March **28, 1996**). 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. LANDSCAPE

1. Type C perimeter landscape buffer shall be relocated to the new western perimeter property line upon the issuance **of** a building permit for the communication tower. In addition, all trees within the new land area shall meet the standards **of** condition B.2 below. (BLDG - Zoning)
2. To ensure adequate buffering with adjacent properties, all 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. Clear trunk: **five (5) feet.** (Previously condition F.1 of Resolution R-93-154, of Petition PDD93-35) (ZONING)

C. LANDSCAPING ALONG ALL PROPERTY LINES

1. To ensure adequate buffering with adjacent properties, landscaping along all property lines shall be upgraded to include:
 - a. One (1) native canopy tree planted every twenty (20) feet on center;
 - b. One (1) native palm tree for each thirty (30) linear feet. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location. No more than twenty five percent of the required trees may be superseded by this requirement; and

- c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation to be maintained a minimum of sixty (60) inches in height. (Previously condition G.1 of Resolution R-93-154, of Petition PDD93-35) (ZONING)

D. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (Previously condition C.1 of Resolution R-93-154, of Petition PDD93-35) (UTILITIES)

E. ENGINEERING

1. The property owner has voluntarily agreed to convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right-of-way required for a right turn lane north approach on Hagen Ranch Road at the project's entrance prior to July 1, 1994 or prior to the issuance of the first Building Permit, whichever shall first occur. This right of way shall be a minimum of 150 feet in length, 12 foot in width and a taper length of 180 feet, free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer (Previously condition E.1 of Resolution R-93-154, of Petition PDD93-35) (MONITORING/BUILDING - Engineering).
2. The Property owner shall construct concurrent with Phase 1 of the project:
 - a. left turn lane, south approach on Hagen Ranch Road at the project's entrance road.
 - b. a right turn lane, north approach on Hagen Ranch Road at the project's entrance road.

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 not limited to, utility relocations, maintenance of existing drainage patterns and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previously condition E.2 of Resolution R-93-154, of Petition PDD93-35) (BUILDING - Engineering).

3. The Developer shall install signalization if warranted as determined by the County Engineer at Boynton Beach Boulevard and Hagen Ranch Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition (Previously condition E.3 of Resolution R-93-154, of Petition PDD93-35) (ENG - Building).

4. The Developer shall plat the entire 40.2 acre tract as one parcel property in accordance with provision; of Article 8 of the Unified Land Development Code. (3LDG PERMIT: Monitoring - Eng.)
5. Prior to Preliminary Development Plan (PDP) certification by the Development Review Committee, the property owner shall amend the PDP to indicate paved access to the loop road to the north. When this roadway has been constructed, the property owner shall provide the paved connection. (Previously condition E.5 of Resolution R-93-154, of Petition PDD93-35) (ENGINEERING)
6. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$225,170 (4,094 trips X \$55.00 per trip). The cost of signalization as required in Condition E.3. above shall be credited against the impact fee established herein if a suitable request is approved by the Board of County Commissioners per WLDLDC Section 10.8.G. (Special Provisions for Road Credits) (Previously condition E.6 of Resolution R-93-154, of Petition PDD93-35) (IMPACT FEE COORDINATOR).

F. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-I. (Previously condition B.1 of Resolution R-93-154, of Petition PDD93-35) (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (Previously condition B.2 of Resolution R-93-154, of Petition PDD93-35) (HEALTH)

G. SIGNS

1. To ensure consistency with the proposed development, entry or project identification signs shall be limited as follows:
 - a. Point of purchase sign:
 - (1) Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - (2) Maximum total sign face area per side - 100 square feet;
 - (3) Maximum number of signs - one on Hagen Ranch Road.
 - (4) Type - monument style only.
 - b. Entry wall sign:
 - (1) Maximum sign height, measured from finished grade to highest point - five (5) feet;
 - (2) Maximum total sign face area per side - 50 square feet;

(3) Maximum number of signs - two (2) on Hagen Ranch Road.

(4) Type - monument style only. (Previously condition D.1 of Resolution R-93-154, of Petition PDD93-35) (BUILDING)

H. CONCURRENCY

1. To ensure the development satisfies the Countywide Traffic Standards as required under Article 11 and 12 of the ULDC, prior to certification of the Preliminary Development Plan, the petitioner shall execute and record the Development Agreement approved by the Board of county Commissioners. (Previously condition H.1 of Resolution R-93-154, of Petition PDD93-35) (PLANNING)

I. SITE DESIGN

1. street lights a maximum of twenty (20) feet in height, measured from average finished grade to highest point, shall be installed, maintained and operated by the property owner along all entry roads. (Previously condition A.1 of Resolution R-93-154, Petition PDD93-35) (ZONING/ENGINEERING)

2. Street trees shall be planted no more than fifty (50) feet on center along both sides of all entry roads that are interior to the MUPD, subject to approval by the County Engineer. All required landscaping shall be installed prior to release of the performance bond or issuance of a certificate of completion, whichever occurs first, for the road intended to be landscaped. (Previously condition A.2 of Resolution R-93-154, Petition PDD93-35) (ENG)

3. All utilities shall be underground pursuant to Article 6.8.23.d(5) of the Palm Beach County Unified Land Development Code. (Previously condition A.3 of Resolution R-93-154, Petition PDD93-35) (ZONING/ENGINEERING)

J. COMPLIANCE

1. 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; 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

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)