

RESOLUTION APPROVING ZONING PETITION **DOA76-03(E)**
DEVELOPMENT ORDER AMENDMENT
PETITION **OF SHMUEL AND TEMA KISSIN**
BY RICHARD CARLSON, AGENT
(KISSIN 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, 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 **DOA76-03(E)** was presented to the Board **of** County Commissioners at a public hearing conducted on February 26, 1998; 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 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 patterns.

WHEREAS, Article 5 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 Petition DOA76-03(E), the petition of Shmuel and Tema Kissin, by Richar Carlson, agent, for a Development Order Amendment (DOA) to Add medical/dental office (requested use) 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 February 26, 1998, 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 Lee and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on March 26, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

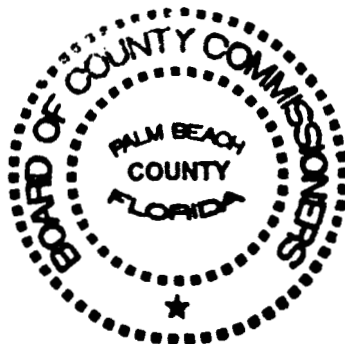
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

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Project No. 0207-309



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EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, ALSO BEING A PORTION OF TRACT "A", LOCATED WITHIN THE PLAT OF LE CHALET SHOPPING CENTER, (P.B. 32, PG. 23) SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

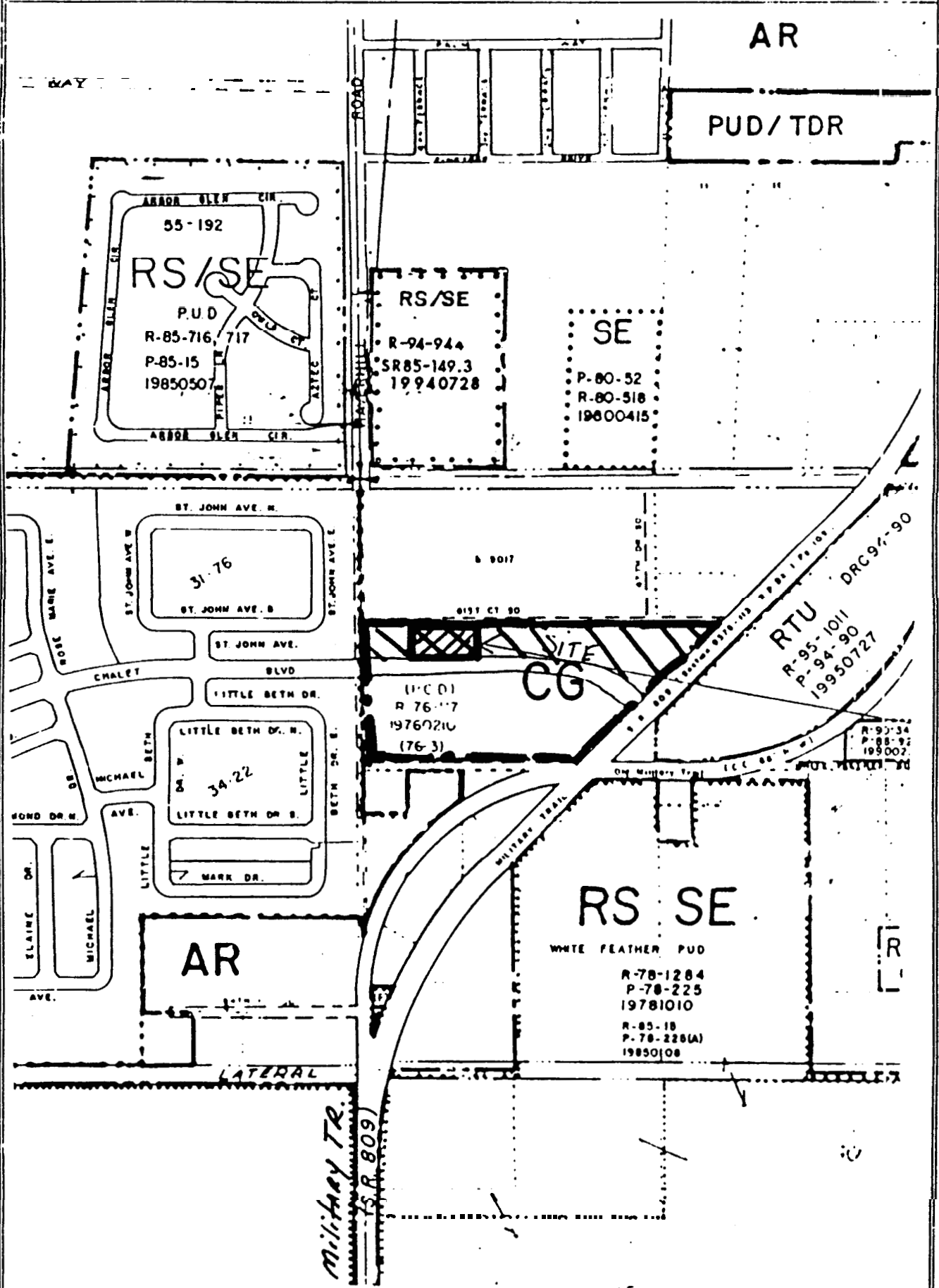
COMMENCING AT THE CENTERLINE OF HAVERHILL ROAD AND LE CHALET BOULEVARD; THENCE SOUTH 89'06'00" EAST (PLAT BEARING) ALONG THE CENTERLINE OF LE CHALET BOULEVARD' A DISTANCE OF 195.26 FEET; THENCE NORTH 00'54'00" EAST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED; THENCE NORTH 00'54'00" EAST, A DISTANCE OF 148.56 FEET; THENCE SOUTH 88'40'34" EAST ALONG THE NORTH LINE OF THE PLAT OF LE CHALET SHOPPING CENTER, A DISTANCE OF 267.75 FEET; THENCE SOUTH 00'54'00" WEST, A DISTANCE OF 146.57 FEET TO A POINT ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF LE CHALET BOULEVARD; THENCE NORTH 89'06'00" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 267.74 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 0.91 ACRES, MORE OR LESS.

CONTAINING 39,508.22 SQUARE FEET, MORE OR LESS.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition No.: 76-03(E)
Zoning Quad Page: 34
Date: _____



EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are **shown in BOLD** and will **be** carried forward with this petition, **Petition 76-03(E)**, unless expressly modified.

A. ALL PETITIONS

1. **All** previous conditions **of** approval applicable to **the** subject property, as contained in **Resolutions R-76-117** (Petition 76-03), have been consolidated **as** contained herein. The petitioner **shall** comply with all previous **condi**itions 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 as approved by the Board of County Commissioners. The approved site plan is dated January **5, 1998**. **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. BUILDING AND SITE DESIGN (0.91 ACRE AFFECTED AREA OF PETITION 76-03(E))

1. All existing air conditioning and mechanical equipment shall be **screened** from view **on all** sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (BLDG PERMIT: BLDG - Zoning)
2. All new roof mounted air conditioning and mechanical equipment **shall** be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. (BLDG PERMIT: BLDG - Zoning)
3. **Developer shall provide ninety (90) percent opaque screening on the North and South property line of the subject site.** (Previously Condition 4 of Resolution R-76-117, Petition 76-3) (COMPLETED)

C. HEALTH

1. Any biomedical waste **which** may be generated at this site shall be properly handled and disposed of in accordance with Rule 10D-4FAC. (ONGOING: HEALTH/CODE ENF)
2. Any toxic **or** hazardous waste **which** may **be** generated from this facility shall **be** properly **hand**led and disposed of in **accordance** with Rule 10D-104 FAC. (ONGOING: HEALTH/CODE ENF)
3. Generation and disposal of any hazardous effluent into sanitary **sewer** system **shall be** prohibited unless adequate pretreatment facilities **approved** by the Florida Department of Environmental Protection and the **agency** responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)

D. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, affected area of Petition 76-03(E), 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; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Developers shall record a plat and dedicate the following rights-of-way:
 - a) Sixty (60) feet from the centerline for Military Trail (SR 809) (complete)
 - b) Forty (40) feet from the centerline with Le Chalet Boulevard (complete)
 - c) Thirty (30) feet from the centerline for Haverhill Road, south of the intersection with Le Chalet Boulevard (complete)
 - d) Eighty (80) feet for Le Chalet Boulevard. (complete) (Previously Condition 1 of Resolution R-76-117, Petition 76-03)
2. Developer shall construct the necessary turn lanes at:
 - a) The intersection of Military Trail (SR 809) and Le Chalet Boulevard, left turn lane on the south approach, a right turn lane on the north approach and a left turn lane on the west approach. (complete)
 - b) The intersection of Le Chalet Boulevard and the Shopping Center's central entrance, a left turn lane on the east approach, a four (4) lane entrance on the north and south approach, and a left turn lane on the west approach. (complete)
 - c) The intersection of Le Chalet Boulevard and Haverhill Road, a left turn lane on the east, west and north approach, as warranted. (complete) (Previously Condition 2 of Resolution R-76-117, Petition 76-03)
3. Prior to July 1, 1998 the property owner shall obtain an approval for a revised site plan from the Development Review Committee. The revised site plan shall meet all provisions of the ULDC. (DATE: MONITORING - Erg)

F. LANDSCAPING - INTERIOR

1. Prior to the issuance of the Certificate of Completion or July 29, 1998, whichever comes first, foundation plantings shall be installed on the east facade of the existing 7,500 square foot building of the north portion (north of Le Chalet Blvd) and shall consist of the following:
 - a. The existing planting area shall be maintained at a minimum width of ten (10) feet;

- b. The length of ~~the~~ required landscaped areas shall **be maintained** along the entire length of the east facade of the building; and,
- c. Landscape areas shall be planted with one (1) native canopy tree every twenty (20) feet on center, twenty-four **(24)** inch high native ~~shrub or~~ hedge material installed and maintained as required by the ULDC **and** appropriate ground cover. Credit for the existing hedge **may be given if** maintained at a height of thirty-six (36) inches. (DATUCC: MONITORING/ LANDSCAPE)

G. LIGHTING (0.91 ACRE AFFECTED AREA OF PETITION 76-03(E))

- 1. All new outdoor lighting used to illuminate the subject property **and identification signs** shall **be** of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
- 2. ~~All~~ **new** outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor lighting within the affected area of Petition 76-03(E) shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
- 4. The lighting conditions above shall not apply to proposed security or low voltage **landscape/**accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

H. SIGNS (0.91 ACRE AFFECTED AREA OF PETITION 76-03(E))

- 1. All freestanding signs, including point of purchase, entrance wall and directional signs ~~shall~~ comply with ~~the~~ following:
 - a. **Maximum sign** height, measured from finished grade to highest point - six **(6)** feet;
 - b. Maximum sign face area per side - **60** square feet;
 - c. Maximum number of signs - **One** (1) along Le Chalet Boulevard; **and**,
 - d. Style - monument style only. (DRC/BLDG PERMIT: ZONING/BLDG)
- 2. ~~No wall~~ signs shall **be** permitted for the existing 7,500 square foot building. (ONGOING/BLDG PERMIT: CODE ENF/BLDG - Zoning)
- 3. No off-premise signs or relocated billboards shall be permitted **on** the site. (ONGOING/DRC: CODE ENF/ZONING)

I. USE LIMITATION (0.91 ACRE AFFECTED AREA OF PETITION 76-03(E))

- 1. ~~All~~ requested uses shall remain in the location indicated on the preliminary development plan **approved** by ~~the~~ Board of County Commissioners (exhibit dated January **5, 1998**). (DRC: ZONING)
- 2. ~~Hours of~~ operation, including deliveries, ~~shall be~~ limited to 6:00 a.m. to 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
- 3. ~~The use of the~~ north portion of the site (north of LeChalet Boulevard) shall **be** limited to gross floor area of 60,000 square feet. (DRC: ZONING)

J. 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 noncompliance, 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 majority vote **of the Code Enforcement Board** 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 5.8 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. (MONITORING)