

RESOLUTION NO. R-2000- 1233

RESOLUTION APPROVING ZONING PETITION Z/COZ2000-012
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF KT FAMILY LTD. PARTNERSHIP
BY ROBERT BASEHART, AGENT
(WELLINGTON SURGICENTER)

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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition Z/COZ2000-012 was presented to the Board of County Commissioners at a public hearing conducted on August 24, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan, contingent upon the approval of Small Scale Development Amendment No. 00-SCA 69 COM 1 ;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20, as amended; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 Z/COZ2000-012, the petition of KT Family Ltd. Partnership by Robert Basehart, agent, for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Commercial High Office (CHO) with a Conditional Overlay Zone (COZ) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on August 24, 2000, subject to the conditions of the Conditional Overlay Zone (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

| | | |
|---------------------------|---|-----|
| Maude Ford Lee, Chair | | Aye |
| Warren Newell, Vice Chair | - | Aye |
| Karen T. Marcus | | Nay |
| Carol A. Roberts | | Aye |
| Mary McCarty | | Aye |
| Burt Aaronson | | Aye |
| Tony Masilotti | | Aye |

The Chairthereupon declared that this resolution shall not become effective until Small Scale Development Amendment No. 00-SCA69 COM 1 (STATE ROAD 7/WELLINGTON) is effective.

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

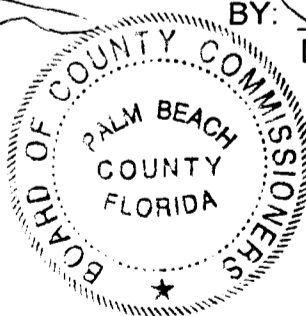


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN TRACT 12, BLOCK 18, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54 INCLUSIVE IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 41 EAST; THENCE S 01°30'24" W ALONG THE EAST LINE OF SAID SECTION 12, A DISTANCE OF 1998.67 FEET; THENCE N 88°29'36" W, DEPARTING SAID EAST LINE, A DISTANCE OF 239.71 FEET TO THE POINT OF BEGINNING; THENCE S 01°38'04" W, ALONG THE WEST RIGHT OF WAY LINE FOR STATE ROAD NO. 7, BEING 240.00 FEET WEST OF AND PARALLEL TO THE BASELINE OF SURVEY FOR STATE ROAD NO. 7 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION 9321 O-251 9, SHEET 16 OF 28 (LAST REVISION DATE 1/18/96), A DISTANCE OF 300.51 FEET; THENCE S 88°16'41" W, DEPARTING SAID RIGHT OF WAY LINE, ALONG A LINE 300 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID TRACT 12, BLOCK 18, A DISTANCE OF 363.62 FEET; THENCE N 01°38'04" E, ALONG A LINE 363.00 FEET WEST OF AND PARALLEL TO SAID RIGHT OF WAY LINE FOR STATE ROAD NO. 7, A DISTANCE OF 300.51 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 12, BLOCK 18; THENCE N 88°16'41" E, ALONG THE NORTH LINE OF SAID TRACT 12, BLOCK 18, A DISTANCE OF 363.62 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 2.50 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

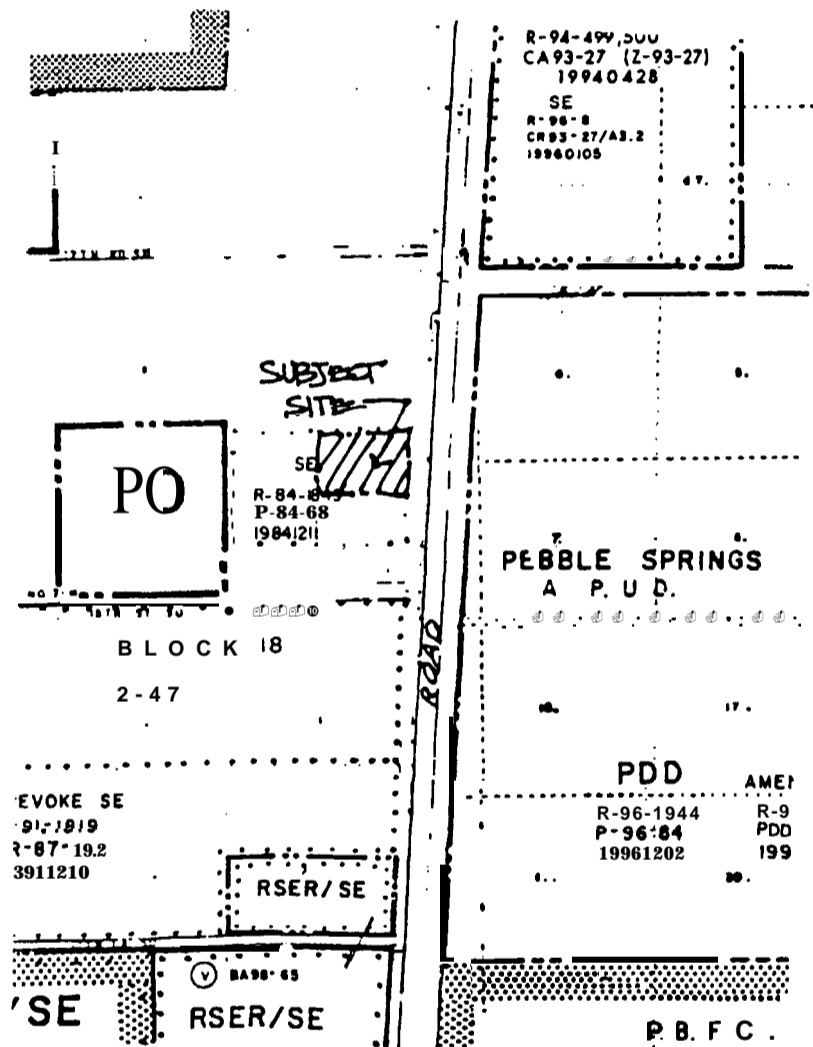


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Resolution R-84-I 849, granting approval of Petition 84-88 is hereby revoked. (MONITORING)

B. ARCHITECTURAL CONTROL

1. The exterior elevations of the structure shall provide variety and visual interest by incorporating all of the following items:
 - a. Varied roof lines within the same building. All roof lines shall not run in continuous place for more than one hundred fifty (150) feet without offsetting or jogging the roof plan. The jog shall be a minimum of five (5) feet in depth;
 - b. Varied window treatments (i.e transoms, glass block, window types, trims, etc.);
 - d. Varied architectural details (i.e. columns, pilasters, vents decorative trims and moldings, stucco or horizontal banding, decorative railings decorative accent tiles, etc.).
 - e. Exterior colors shall be neutral, pastel, or earth tone colors. Building colors shall be varied by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc..) Roof and trim colors shall be coordinated with base colors;
 - f. Contrasting shapes and forms within the building mass including off setting of vertical or horizontal planes;
 - g. Focal points or points of interest (i.e. cupolas, loggias, entrances, vertical elements, chimneys, etc.);
 - h. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture; and,
 - i. All roof top mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment. (DRC/BLDG PERMIT: ZONING/ BLDG/ZONING)
2. Prior to final site plan review by the DRC the site plan shall be amended to indicate a focal point at the primary entrance of the facility. (DRC: ZONING - Bldg)
3. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Architectural Review Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

C. HEALTH

1. 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)

2. Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 64E-16FAC (ONGOING : HEALTH / CODE ENFORCEMENT)
3. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC (ONGOING: HEALTH/CODE ENFORCEMENT)
4. Petitioner will enter into a Developer's Agreement for water and sewer prior to final site plan approval. (DRC: HEALTH)

D. LANDSCAPING ALONG THE EAST PROPERTY LINE (ADJACENT TO SR7/US441)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip with no easement encroachments permitted;
 - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. one (1) canopy tree planted every thirty (30) feet on center;
 - d. 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; and,
 - e. twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

E. ENGINEERING

1. Prior to the issuance of a Building Permit the Developer shall plat the subject property in accordance with provisions of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

2. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of State Road 7 **Right-of-Way**. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards.

The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards **set forth** by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners.

All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING-Eng)

- c. If the County does not assume maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

F. PLANNING

1. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be revised to indicate vehicular and pedestrian cross access to the parcel to the north and south of this site. All buffers and/or barriers shall be removed in the location of the cross access. (DRC: PLANNING)

G. SIGNS

1. Freestanding point of purchase signs fronting on the east property line adjacent to SR7/US441 shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)

H. RESIDUAL PARCEL

1. The 4.4 acre parcel property control number 00-42-43-27-05-018-0121, Project Number# P0789-000 which is the remainder of the 6.94 acre overall tract shall not receive any building permits prior to rezoning to be consistent with its future Comprehensive Plan land use category. (BLDG PERMIT: MONITORING - Zoning)

I. 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 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)