

RESOLUTION NO. R-2001- 0809

RESOLUTION APPROVING ZONING PETITION DOA84-076(G)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF UNIVERSAL HEALTH SERVICES, INC.  
BY ANNA COTTRELL, AGENT  
(WELLINGTON REGIONAL MEDICAL CENTER)

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 DOA84-076(G) was presented to the Board of County Commissioners at a public hearing conducted on May 24, 2001; 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 **DOA84-076(G)**, the petition of Universal Health Services, Inc., by Anna Cottrell, agent, for a Development Order Amendment (**DOA**) to add square footage and beds 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 May **24, 2001**, 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 Masilotti and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye
Addie L. Greene		Aye

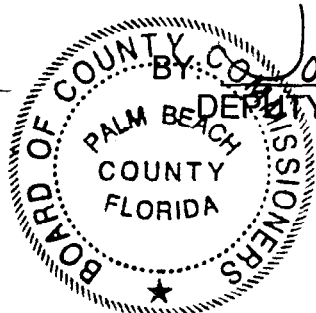
The Chair thereupon declared that the resolution was duly passed and adopted on May 24, 2001.

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 IN SECTION 12, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PORTION OF TRACTS 20, 21, 22, 27 AND 28, BLOCK 18, OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 12, THENCE RUN NORTH 01°33'42" EAST, ALONG THE EAST LINE OF SAID SECTION 12, A DISTANCE OF 1,661.58 FEET; THENCE SOUTH 88°58'04" WEST, 240.25 FEET TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 441 (STATE ROAD NO. 7) AS NOW LAID OUT AND IN USE AND THE POINT OF BEGINNING; THENCE SOUTH 01°33'42" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE AND PARALLEL WITH AND 240.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES, THE EAST LINE OF SAID SECTION 12, 685.61 FEET; THENCE SOUTH 03°51'08" WEST, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, 856.70 FEET; THENCE SOUTH 48°58'05" WEST, ALONG THE SAFE CORNER FOR U.S. HIGHWAY NO. 441 AND FOREST HILL BOULEVARD, 56.68 FEET TO A POINT ON A CURVE ON THE NORTH RIGHT-OF-WAY LINE OF SAID FOREST HILL BOULEVARD, RADIAL BEARING NORTH 04°05'02" EAST, SAID CURVE HAVING A RADIUS OF 5,665.58 FEET AND CENTRAL ANGLE OF 02°37'38"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTH RIGHT-OF-WAY LINE OF FOREST HILL BOULEVARD, A DISTANCE OF 259.78 FEET TO A POINT (RADIAL BEARING NORTH 06°42'40" EAST); THENCE NORTH 82°09'23" WEST, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE OF FOREST HILL BOULEVARD, 400.07 FEET; THENCE NORTH 80°50'44" WEST, ALONG SAID RIGHT-OF-WAY, 15.02 FEET; THENCE NORTH 01°16'18" WEST, 1,126.08 FEET; THENCE NORTH 89°00'59" EAST, 255.92 FEET; THENCE NORTH 01°16'18" WEST, 355.60 FEET; THENCE NORTH 88°58'04" EAST, 565.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 25.177 ACRES MORE OR LESS

BEARINGS CITED ARE BASED ON THE EAST LINE OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 41 EAST, BEARING NORTH 01°33'42" EAST.

EXHIBIT B

VICINITY SKETCH

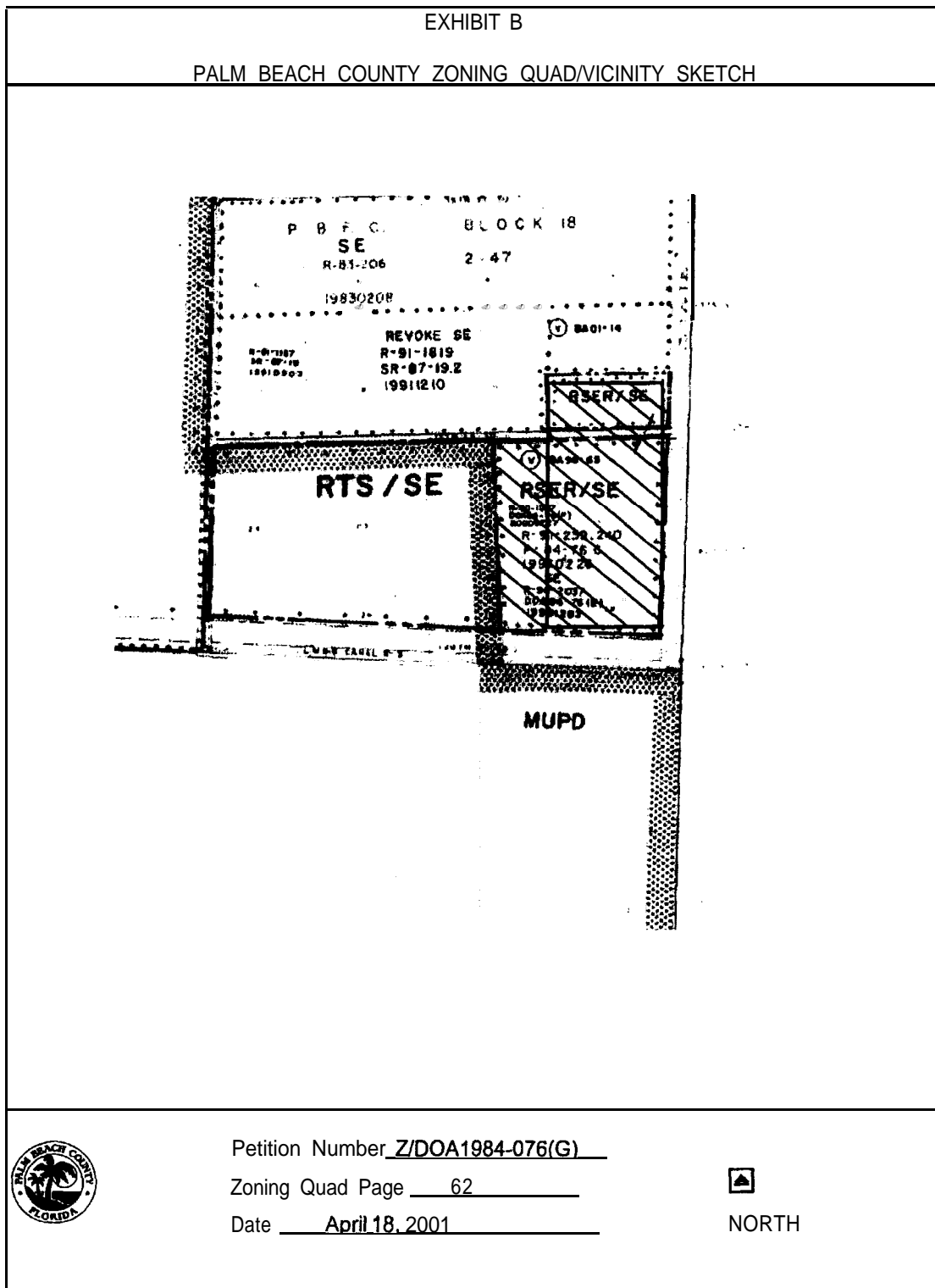


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A.1 of Resolution 2000-1087, Petition 84-76(F) which currently states:

**All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-2037 (Petition 84-76E) have been consolidated as contained 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)**

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2000-1087 (Petition 84-76F) have been consolidated as contained 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. Condition A.2 of Resolution R-2000-1 087, Petition 84-76(F) 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 May 25, 2000. 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)**

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 March 1, 2001. 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)

3. **Approval of this Special Exception and the accompanying site plan shall not constitute approval of the expansion of the Wellington Hospital Medical Center that is indicated on the site plan. (Previously Condition A.3 of Resolution R-2000-1 087, Petition 84-76(F))**

4. **The developer shall relocate and/or preserve existing significant vegetation into the project design. Appropriate measures shall also be taken to protect and individual trees and/or preservation areas during site clearing and construction.** (Previously Condition A.4 of Resolution R-2000-1 087, Petition 84-76(F))
5. **Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.** (ONGOING: ZONING) (Previously Condition A.6 of Resolution R-2000-1 087, Petition 84-76(F))

**B. BUILDING AND SITE DESIGN**

1. Condition B.I of Resolution R-2000-1 087, Petition 84-76(F) which currently states:

**Total gross floor area shall be limited to a maximum of 270,741 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less subject to approval by Traffic Division or DRC.** (DRC: ZONING)

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 300,741 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less subject to approval by Traffic Division or DRC. (DRC: ZONING)

2. Condition B.I of Resolution R-2000-1 087, Petition 84-76(F) which currently states:

**All roof mounted air conditioning and mechanical equipment including satellite dishes shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure.** (CO: BLDG - Zoning)

Is hereby amended to read:

All roof or ground mounted air conditioning and mechanical equipment including satellite dishes shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)

3. **All proposed buildings and structures shall be designed and constructed to be compatible with the general architectural character of the existing medical buildings.** (BLDG PERMIT: BLDG-Zoning) (Previously Condition B.3 of Resolution R-2000-1 087, Petition 84-76(F))

**C. LANDSCAPING - STANDARD (THIS CONDITION IS APPLICABLE TO THE NORTHERN PORTION- 4.54 ACRE SITE ONLY)**

1. Condition C. 1 of Resolution R-2000-1 087, Petition 84-76(F) which currently states:

**All canopy 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; and,**
- d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)**

Is hereby amended to read:

Fifty percent (50%) of canopy trees required to be planted in the perimeter buffer 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)**

**2. All palms required to be planted on site 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. (CO: LANDSCAPE - Zoning)**  
(Previously Condition C.2 of Resolution R-2000-1 087, Petition 84-76(F))

**3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)(Previously Condition C.3 of Resolution R-2000-1087, Petition 84-76(F))**

**4. Prior to the issuance of the first building permit (under Petition 84-076G), the petitioner shall replace, any dead, missing or damaged plant materials on the entire site, and shall remove all invasive or exotic plant materials from the entire site. (BLDG PERMIT: LANDSCAPE)**

**D. LANDSCAPING - INTERIOR (THIS CONDITION IS APPLICABLE TO THE NORTHERN PORTION- 4.54 ACRE SITE ONLY)**

- 1. One landscape island shall be provided for every twelve (12) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred and twenty (120) linear feet. (DRC: ZONING)**  
(Previously Condition D. 1 of Resolution R-2000-1 087, Petition 84-76(F))
- 2. Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:**

- a. **The minimum width of the required landscape areas shall be five (5) feet;**
- b. **The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,**
- c. **Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE) (Previously Condition D.2 of Resolution R-2000-1087, Petition 84-76(F))**

**E. ENGINEERING**

- 1. **Condition 3 of Resolution 84-1 304, Petition 84-76 was deleted by condition E. 1 of Resolution R-98-2037, Petition 84-076(E).**
- 2. **The petitioner shall convey the ultimate right of way within ninety (90) days of Special Exception approval for the following:**

- a. **U.S.441 (S.R.7), 240 feet west of the west right of way line of the E-I Canal.**
- b. **Forest Hill Boulevard, sixty (60) feet from centerline.**

**All conveyances must be accepted by Palm Beach County prior to the issuance of a Building permit. (Previously Condition E.2 of Resolution R-2000-1087, Petition 84-76(F)) [Is Completed]**

- 3. **The petitioner shall convey the ultimate right of way as required by the “Special Intersections” within ninety (90) days of Special Exception approval:**

- a. **S.R.7, 275 feet west of the west right of way line of the L.W.D.D. E-I Canal.**
- b. **Forest Hill Boulevard, 64 feet from centerline.**

**All conveyances must be accepted by Palm Beach County prior to the issuance of a Building permit. (Previously Condition E.3 of Resolution R-2000-1 087, Petition 84-76(F)) [Is Completed]**

- 4. **The Petitioner shall provide the construction plans for an additional three-lane bridge over the L.W.D.D. E-I Canal, per the County Engineer’s approval. These plans shall contain, but not be limited to sidewalks. In addition, construction plans shall be submitted for the following turn lanes at the intersection of S.R. 7 and Forest Hill Boulevard:**

- a. **Dual Left turn lane, north approach**
- b. **Dual Left turn lane, south approach**
- c. **Dual Left turn lane, east approach**
- d. **Dual Left turn lane, west approach**
- e. **Right turn lane, north approach**
- f. **Right turn lane, south approach**
- g. **Right turn lane, west approach**



**These plans shall be completed within twelve (12) months of Special Exception approval, or prior to the issuance of a Certificate of Occupancy, whichever shall first occur. (Previously Condition E.4 of Resolution R-2000-1 087, Petition 84-76(F)) [Is Completed]**

- 5. The petitioner shall contribute the sum of \$750,000.00 toward the construction of an ultimate 9 lane structure over the L.W.D.D. E-I Canal on Forest Hill Boulevard, per the County Engineer's approval. This construction shall also include turn lanes at the intersection of S.R. 7 and Forest Hill Boulevard, as required in the previous condition as outlined below:**
  - a. Dual Left turn lane, north approach**
  - b. Dual Left turn lane, south approach**
  - c. Dual Left turn lane, east approach**
  - d. Dual Left turn lane, west approach**
  - e. Right turn lane, north approach**
  - f. Right turn lane, south approach**
  - g. Right turn lane, west approach**
  - h. Right turn lane, east approach**
  - i. Three (3) thru lanes on the north, south, east and west approaches.**
  - j. Sidewalks and/or bike paths as required by the County Engineer and Florida Department of Transportation on both the bridge structure and 4 laning of Forest Hill Boulevard and S.R. 7.**
  - k. Signalization upgrading as required by the County Engineer.**

**The Petitioner shall post surety in the amount of \$750,000.00 in the form of a clean, irrevocable Letter of Credit on or before thirty (30) days of the effective date of the Resolution of Approval by the Board of County Commissioners. Palm Beach County reserve the option to require the petitioner to redesign the presently approved bridge/intersection plans to reflect the aforementioned lane requirements. Costs of these plans shall be deducted from the sum contributed by the petitioner as stated above.” (Previously Condition E.5 of Resolution R-2000-1 087, Petition 84-76(F)) [Is Completed]**

- 6. Palm Beach County shall construct from developer's contribution in condition No. 7 at the project's south entrance on State Road 7:**
  - 1. Left turn lane, south approach**
  - 2. Right turn lane, north approach**
  - 3. Left turn lane, west approach**
  - 4. Right turn lane, west approach**
  - 5. With 3 and 4 being constructed from S.R. 7 edge of pavement to the west right-of-way line.**
  - 6. Petitioner shall construct at petitioner's sole expense: Signalization, when warranted, as determined by the County Engineer. (Previously Condition E.6 of Resolution R-2000-1087, Petition 84-76(F)) Condition E.6.1 to E.6.5 are completed. Condition E.6.6 is deleted. [Reason: Signal spacings do not meet DOT requirements.]**

- 6.A The developer shall construct at the project's north entrance onto S.R. 7:**
- 1. Left turn lane, south approach [Completed]**
  - 2. Right turn lane, north approach [Completed]**
  - 3. Left turn lane, west approach [Completed]**
  - 4. Right turn lane, west approach [Completed]**
  - 5. Signalization when warranted as determined by the County Engineer. (Previously Condition E.6.A of Resolution R-2000-I 087, Petition 84-76(F))**
- 7. The developer shall construct at the project's entrance and Forest Hill Boulevard:**
- a. Left turn lane, west approach [Completed]**
  - b. Left turn lane, north approach [Completed]**
  - c. Right turn lane, north approach [Completed]**
  - d. Signalization when warranted as determined by the County Engineer. (Previously Condition E.7 of Resolution R-2000-I 087, Petition 84-76(F))**
- 8. Design of the road drainage for S.R. 7 and Forest Hill Boulevard shall accommodate the runoff from the roads adjacent to this property and shall be subject to all governmental and agency requirements. (Previously Condition E.8 of Resolution R-2000-1 087, Petition 84-76(F))**
- 9. Petitioner's contribution of \$750,000.00 provided for in Condition No. 7 and the construction plans provided for in Condition No. 6 shall be credited toward the existing Fair Share Impact Fee. If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the fair share fee, the amount shall be credited towards the increased fairsharefee." (Previously Condition E.9 of Resolution R-2000-1087, Petition 84-76(F))**
- 10. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Forest Hill Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng) (Previously Condition E. 10 of Resolution R-2000-1 087, Petition 84-76(F))**
- 11. Condition 11. of Resolution R-2000-I 087, Petition 84-76(F) which currently states:**

**LANDSCAPE WITHIN MEDIAN OF STATE ROAD 7**

- 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 SR 7 road 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) (Previously Condition E. 11 .A of Resolution R-2000-1 087, Petition 84-76(F))**

- 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) (Previously Condition E. 11 .B of Resolution R-2000-1 087, Petition 84-76(F))**
- 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) (Previously Condition E.II .C of Resolution R-2000-1 087, Petition 84-76(F))**

Is hereby amended to read:

**LANDSCAPE WITHIN MEDIAN OF STATE ROAD 7**

- A. Prior to September 15, 2001, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Road Right-of-Ways. 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. (DATE: 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 Owners 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 1/1 512002. (DATE: MONITORING-Eng)
- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner's 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 September 15, 2001. (DATE: MONITORING-Eng)

12. **CUTOUT LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF S.R. 7**

- 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 provide landscape cutouts within the concrete median of SR 7 right-of-Way contiguous to the frontage. 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, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. When landscape cutouts are permitted by the Florida Department of Transportation, landscaping shall, consist of Landscape Material approved by the County Engineer. 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. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.12.A of Resolution R-2000-1 087, Petition 84-76(F))

B. All required median landscaping, including an irrigation system, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall be funded at the property owners expense. All new and existing 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. The 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, and the irrigation system. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING-Eng) (Previously Condition E. 12.B of Resolution R-2000-I 087, Petition 84-76(F))

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) (Previously Condition E. 12.C of Resolution R-2000-1 087, Petition 84-76(F))

Is hereby deleted. [REASON: SR 7 was constructed without concrete traffic separators.]

13. Engineering Condition E. 13 of Resolution R-2000-1 087, Petition 84-76(F) which currently states:

**“CUTOUT” LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF FOREST HILL BOULEVARD**

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 provide landscape cutouts within the concrete median of Forest Hill Boulevard right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. 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 Palm Beach County Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng.)

- B. All required median landscaping, including an irrigation system, the cost of the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. When landscape cutouts are permitted landscaping shall consist of Landscape Material approved by the County Engineer. All new and existing 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. The 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, and the irrigation system. All landscape material shall be installed prior to the issuance of the first 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)

Is hereby amended to read:

CUTOUT LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF FOREST HILL BOULEVARD

- A. Prior to September 15, 2001, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide landscape cutouts within the concrete median of Forest Hill Boulevard right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. 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 Palm Beach County Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (DATE: MONITORING - Eng.)
- B. All required median landscaping, including an irrigation system, the cost of the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials

shall be funded at the property owners expense. When landscape cutouts are permitted the, landscaping shall consist of Landscape Material approved by the County Engineer. All new and existing 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. The 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, and the irrigation system. All landscape material shall be installed prior to January 15, 2002. (DATE: 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 September 15, 2001. (DATE: MONITORING-Eng)

14. **In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:**

A. **No additional Building Permits should be issued until construction has begun for the 6 lane widening of Forest Hill Blvd. from South Shore Blvd. to S.R. 7 plus the appropriate paved tapers.** (BLDG PERMIT: MONITORING-Eng) Note: Construction has begun - Condition is completed. (Previously Condition E.14.A of Resolution R-2000-1 087, Petition 84-76(F))

15. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

A) No additional building permits after July 1, 2001 shall be issued until the contract has been awarded for the construction of Forest Hill Boulevard from SR 7 to Pinehurst Drive as a 6-lane median divided section plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

B. If all building permits for the site have not been obtained prior to December 31, 2001, then no further Building Permits shall be issued until all the following have been satisfied:

a) a CRALLS designation for SR 7 from SR 80 to Forest Hill Blvd covering the impacts of this Development has been adopted. If a Cralls designation has not been adopted then the Property Owner shall only be issued additional Building Permits unless both of the following have occurred:

- Property owner has posted performance security to assure the construction of SR 7 from SR 80 to Forest Hill Blvd to a 8-lane divided cross section if no other developer or governmental entity has previously assured these improvements and,

- The contract has been awarded for construction of SR 7 from SR 80 to Forest Hill Blvd to a 8-lane divided cross section. (DATE: MONITORING-Eng)

16. Property owner agrees to participate in the "Pooled Effort Approach" outlined in the County Engineer, George Webb, P.E.'s, memo of January 252000 by paying his proportionate share for the intersection improvements at SR 7/SR 80. Funding in the amount of \$63,352 or the projects impact fee whichever is greater shall be provided to the Land Development Division prior to the issuance of the first building permit or prior to December 31, 2002, whichever shall first occur. This amount may be adjusted lower by the County Engineer depending upon the number of approved project's participating in this intersection improvement. (Bldg Permit/ DATE: MONITORING-Eng)

F. LANDSCAPING ALONG THE 565 FEET NORTH PROPERTY LINE AND THE 360 FEET WEST PROPERTY LINES (ABUTTING RESIDENTIAL) (THIS CONDITION IS APPLICABLE TO THE NORTHERN PORTION- 4.54 ACRE SITE ONLY)

1. **Landscaping and buffering along the above property lines shall be upgraded to include:**
  - a. **A minimum fifteen (15) foot wide landscape buffer strip; and**
  - b. **A continuous two (2) foot high berm 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 frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and**
  - e. **Thirty six (36) 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 seventy two (72)inches. (CO: LANDSCAPE) (Previously Condition F. 1 of Resolution R-2000-1 087, Petition 84-76(F))**

G. LANDSCAPING ALONG THE 360 FEET EAST PROPERTY LINE (ABUTTING SR7/US441) (THIS CONDITION IS APPLICABLE TO THE NORTHERN PORTION- 4.54 ACRE SITE ONLY)

1. **Landscaping and buffering along the above property line shall be upgraded to include:**
  - a. **A minimum twenty (20) foot wide landscape buffer strip;**
  - b. **A minimum two tofourfoot high undulating berm with an average height of three (3) feet measured from top of curb;**
  - c. **One (1) canopy tree planted every thirty (30) feet on center;**
  - d. **One(l) palm or pine treeforeach thirty(30) linearfeetoffrontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and**
  - e. **Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm, 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) (Previously Condition G. 1 of Resolution R-2000-1 087, Petition 84-76(F))**



H. LIGHTING

1. **All 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) (Previously Condition H. 1 of Resolution R-2000-1 087, Petition 84-76(F))
2. **All outdoor lighting fixtures shall not exceed thirty (30) feet in height, measured from finished grade to highest point.** (CO: BLDG - Zoning) (Previously Condition H.2 of Resolution R-2000-1087, Petition 84-76(F))
3. **All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only.** (ONGOING: CODE ENF) (THIS CONDITION IS APPLICABLE TO THE NORTHERN PORTION- 4.54 ACRE SITE ONLY) (Previously Condition H.3 of Resolution R-2000-1 087, Petition 84-76(F))
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) (Previously Condition H.4 of Resolution R-2000-1 087, Petition 84-76(F))

I. HELIPORT

1. **Prior to site plan certification, the site plan shall be amended to reflect adequate safety barriers (curbing, berming, and/or landscaping) between the heliport and the existing parking lot.** (DRC: LANDSCAPING) (Previously Condition 1.1 of Resolution R-2000-1 087, Petition 84-76(F))
2. **Prior to site plan certification:**
  - a) **An airspace analysis conducted by the Federal Aviation Administration (FAA) shall be submitted to the Zoning Division.**
  - b) **A preliminary Airport License Report by the Florida Department of Transportation shall be submitted to the Zoning Division.**
  - c) **Evidence that the radio tower does not encroach into or through the established approach plane for the heliport as determined in the airspace analysis shall be submitted to the Zoning Division.** (DRC: AIRPORTS) (Previously Condition 1.2 of Resolution R-2000-1087, Petition 84-76(F))
3. **The location of the heliport shall be subject to Federal Aviation Administration (F.A.A.) and Florida Department of Transportation (D.O.T.) approval.** (DRC: AIRPORTS/FDOT) (Previously Condition 1.3 of Resolution R-2000-1 087, Petition 84-76(F))

J. 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 Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.** (ONGOING: HEALTH/CODE ENF) (Previously Condition J. 1 of Resolution R-2000-1 087, Petition 84-76(F))

2. **Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.** (ONGOING: HEALTH/CODE ENF) (Previously Condition J.2 of Resolution R-2000-1 087, Petition 84-76(F))
3. **Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.** (ONGOING: HEALTH/CODE ENF) (Previously Condition J.3 of Resolution R-2000-1 087, Petition 84-76(F))
4. **Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730FAC.** (ONGOING: HEALTH/CODE ENF) (Previously Condition J.4 of Resolution R-2000-1 087, Petition 84-76(F))
5. **Any biomedical waste which may be generated at this site shall be handled and disposed of in accordance with Rule 64E-16FAC.** (ONGOING: HEALTH/CODE ENF) (Previously Condition J.5 of Resolution R-2000-1 087, Petition 84-76(F))

K. IRRIGATION QUALITY WATER

1. **When irrigation quality water is available within five hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.** (LANDSCAPE: Zoning) (Previously Condition K. 1 of Resolution R-2000-1 087, Petition 84-76(F))

L. RECYCLE SOLID WASTE

1. **The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.** (ONGOING: CODE ENF) (Previously Condition L. 1 of Resolution R-2000-1 087, Petition 84-76(F))

M. REZONING

1. **The petitioner shall agree to the County's rezoning of the site's RSER to the INST zoning district or any zoning district that is consistent to the site's future land use and the ULDC regulations as amended.** (DATE: MONITORING -Zoning/Planning) (Previously Condition M. 1 of Resolution R-2000-1 087, Petition 84-76(F))

N. 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) (Previously Condition N. 1 of Resolution R-2000-1 087, Petition 84-76(F))
2. Condition N.2 of Resolution R-2000-1 087, Petition 84-76(F) 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 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)**

Is hereby amended to read:

**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 the Code Enforcement Division 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)