

RESOLUTION NO. R-2001- 0821

RESOLUTION APPROVING ZONING PETITION **Z2000-089**  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
PETITION OF WELLINGTON REGIONAL MEDICAL  
BY ANNA COTTRELL, AGENT  
(WELLINGTON MEDICAL OFFICE CAMPUS)

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 **Z2000-089** 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, 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. **2001-SCA 69-INST 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 **Z2000-089**, the petition of Wellington Regional Medical by Anna **Cottrell**, agent, for an Official Zoning Map Amendment(Z) from Agricultural Residential (AR) to Institutional and Public Facility (IPF) 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 May 24, 2001, 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 Greene 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
<b>Addie L. Greene</b>		<b>Aye</b>

The Chair thereupon declared that this resolution shall not become effective until Scale Development Amendment No. **2001-SCA 69-INST 1 (WELLINGTON MEDICAL PHASE I, aka Wellington Regional Medical)** 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

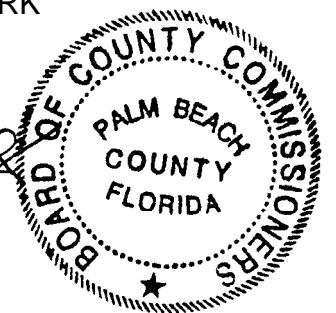


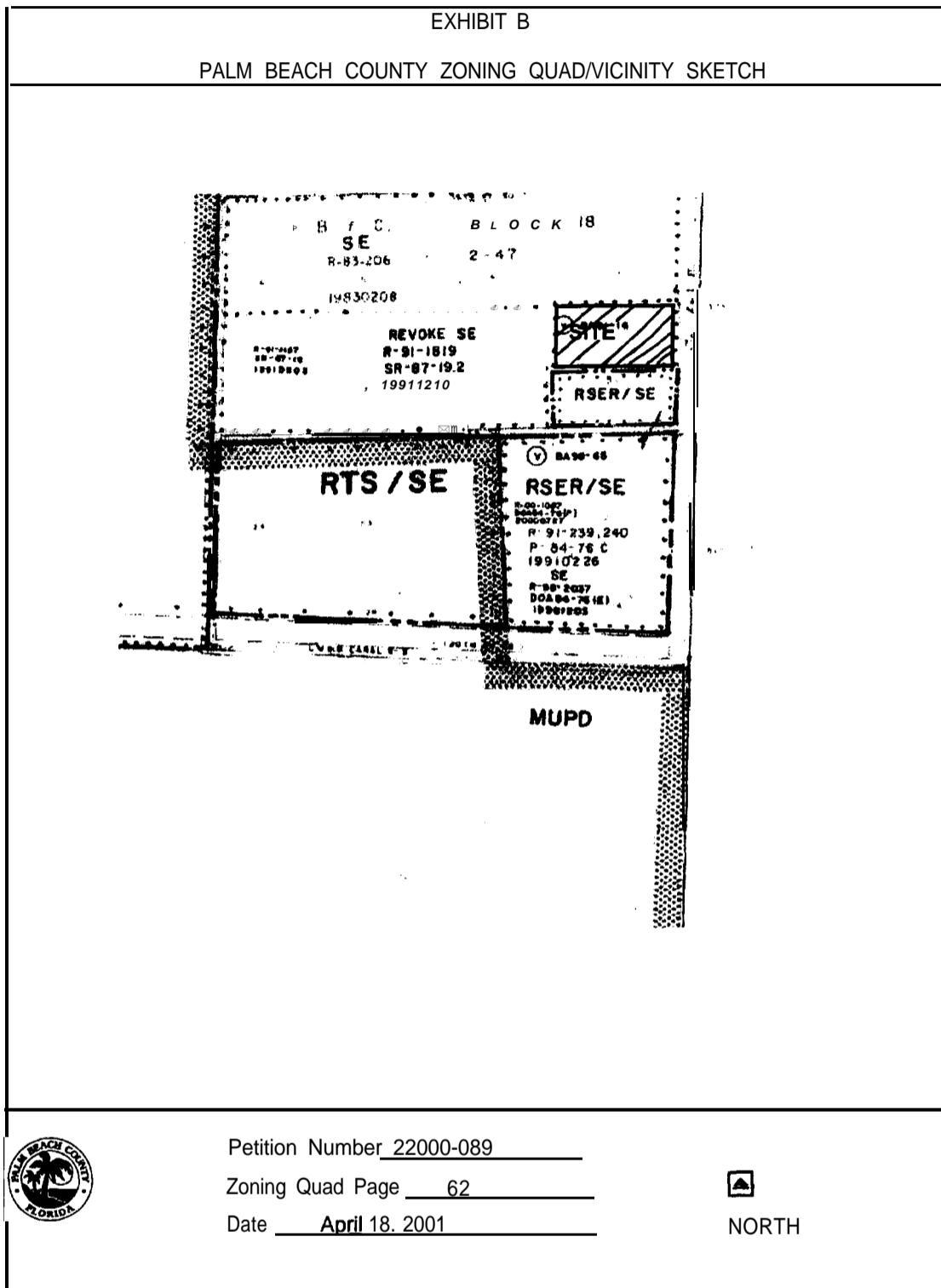
EXHIBIT A

LEGAL DESCRIPTION

TRACT 20, LESS THE SOUTH 330.6 FEET THEREOF, IN BLOCK 18 OF PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 - 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT RIGHT-OF-WAY FOR STATE ROAD 199 (STATE ROAD 7 OR U.S. 441) AS SET FORTH IN INSTRUMENTS RECORDED IN DEED BOOK 638, PAGE 158 AND O.R. BOOK 6237, PAGE 1443 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 189,431.120 SQUARE FEET (4.3487 ACRES) MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



Petition Number 22000-089  
Zoning Quad Page 62  
Date April 18, 2001



NORTH

## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. 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 February 28, 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)

#### B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 50,000 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. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed sixty-seven (67) feet. All heights shall be measured from finished grade to the highest point of the parapet wall or the mechanical/electrical screening. (BLDG PERMIT: BLDG - Zoning)
3. 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)
4. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. The proposed Architectural elevations shall be consistent with the Architectural Design Guidelines presented to the Board of County Commissioners on April 24, 2001, as amended. (BLDG PERMIT: BLDG - Zoning)
5. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review and approval. 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 of 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)

D. LANDSCAPING - STANDARD

1. 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)
3. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. The Property owner shall construct a left turn lane south approach on SR 7 at the project's south entrance.
  - A) 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 are not limited to, utility relocations and acquisition of any additional required right-of-way.
  - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
  - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
2. 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 SR7 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 latest revision to the Palm Beach County Engineering and Public

Works Department 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 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 on 1/15/2002. (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)

- 3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
  - A. No Building Permits 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 Phase 1 of the development, 50,000 square feet of medical office, is not built out by December 31, 2001 as defined by the Traffic Performance Standards (Article 15 of the ULDC), then no further Certificates of Occupancy shall be issued unless 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 Certificates of Occupancy unless both of the following have occurred:
    - a) 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,

- b) The contract has been awarded for construction of SR 7 from SR 80 to Forest Hill Blvd to a 8-lane divided cross section.
- 4. Property owner agrees to participate in the "Pooled Effort Approach" outlined in County Engineer George Webb, P.E.'s memo of **January 25, 2000** by paying his proportionate share for the intersection improvements at SR 7/SR 80. Funding in the amount of \$53,256 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 EAST PROPERTY LINE (ABUTTING 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. No width reduction shall be 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) Booted Sabal palm for each thirty (30) linearfeet 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 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. A minimum fifty (50) percent of the shrub or hedge materials shall be planted on the plateau of the berm. (CO: LANDSCAPE)

G. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction shall be permitted on the north property line;
  - b. a minimum two (2) foot high continuous berm measured from top of curb;
  - c. one (1) small canopy tree planted every thirty (30) feet on center;
  - d. one (1) Booted Sabal palm 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 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. A minimum fifty (50) percent of the shrub or hedge materials shall be planted on the plateau of the berm. (CO: LANDSCAPE)

H. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the west property line shall be upgraded to include:



- a. a minimum fifteen (15) foot wide landscape buffer strip. Width reduction to a maximum of five (5) feet may be permitted upon the BCC approval of the Large Scale future land use amendment (01-69 INST 2, Wellington Medical Phase II) of the west 27 acre parcel;
- b. a minimum two (2) foot high continuous berm measured from top of curb. Berm may be exempted should the buffer be reduced to ten (10) foot wide;
- c. one (1) canopy tree planted every thirty (30) feet on center;
- d. one (1) Booted Sabal palm 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 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. A minimum fifty (50) percent of the shrub or hedge materials shall be planted on the plateau of the berm. Shrubs or hedge materials to be planted at grade should the buffer be reduced to ten (10) foot wide. (CO: LANDSCAPE)

I. LANDSCAPING - INTERIOR

- 1. A minimum of one (1) landscape island shall be provided for every eleven (11) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)
- 2. Foundation planting 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 eight (8) 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)

J. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
- 2. All outdoor lighting fixtures shall not exceed thirty (30) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor lighting 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)

K. 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; 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)

- 2. 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)