

RESOLUTION NO. R-93- 650

RESOLUTION APPROVING ZONING PETITION CA93-06
CLASS A CONDITIONAL USE
PETITION OF SIEMENS & ASSOCIATES, INC.

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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Fetition CA93-06 was presented to the Board of County Commissioners at a public hearing conducted on May 27, 1993; 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
9. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County 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 CA93-06, the petition of SIEMENS & ASSOCIATES, INC., BY ROBERT PERMUY, AGENT for a CLASS A CONDITIONAL USE allowing a MEDICAL OFFICE in the GENERAL COMMERCIAL (CG) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on May 27, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

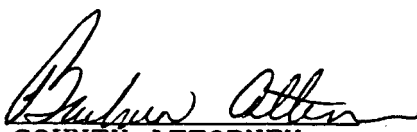
The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of May, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

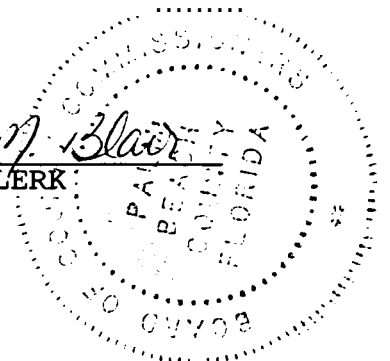


EXHIBIT A

LEGAL DESCRIPTION

Tract 1, Block 56, Palm Beach Farms Company Plat No. 3 according to the Plat thereof as recorded in Plat Book 2, pages 45 through 54, inclusive, of the public records of Palm Beach County, Florida, less the North 04.40 feet for Lateral Canal No. 24 owned by Lake Worth Drainage District as shown in Chancery Court Case No. 407, and less the right of way for Jog Road as shown on Palm Beach County Engineering Department Right of Way Map No. 3-68-007 sheet 8 of 8; being more particularly described as follows:

Commence at the Northeast Corner of said Tract 1; thence S.00 36'03"E. along the East line of said Tract 1 for 84.48 feet to a point of intersection with the South Right of Way line of said Lateral No. 24, and the East line of said Tract 1, and the Point of Beginning of the following described parcel of land; thence continue S.00 36'03"E along the East line of said Tract 1 for 324.90 feet to a point of intersection with the West Right of Way line of said Jog Road; thence S.00 10'54"W. along said West Right of Way line (said line lying 80.0 feet East of and parallel with the East line of the West 1/2 of Section 27 Township 45 South Range 42 East) for 430.10 feet to a point on the South line of said Tract 1, said point being 5.88 feet West of the Southeast corner of said Tract 1; thence S.89 58'54"W. along the South line of said Tract 1 for 380.76 feet to the Southwest corner of said Tract 1; thence N.00 05'56"W. along the West line of said Tract 1 for 751.37 feet to a point of intersection with the South Right of Way line of Lateral No. 24, thence N.89 26'12"E. along said Right of way line for 380.04 feet to the Point of Beginning,

EXHIBIT B
VICINITY SKETCH

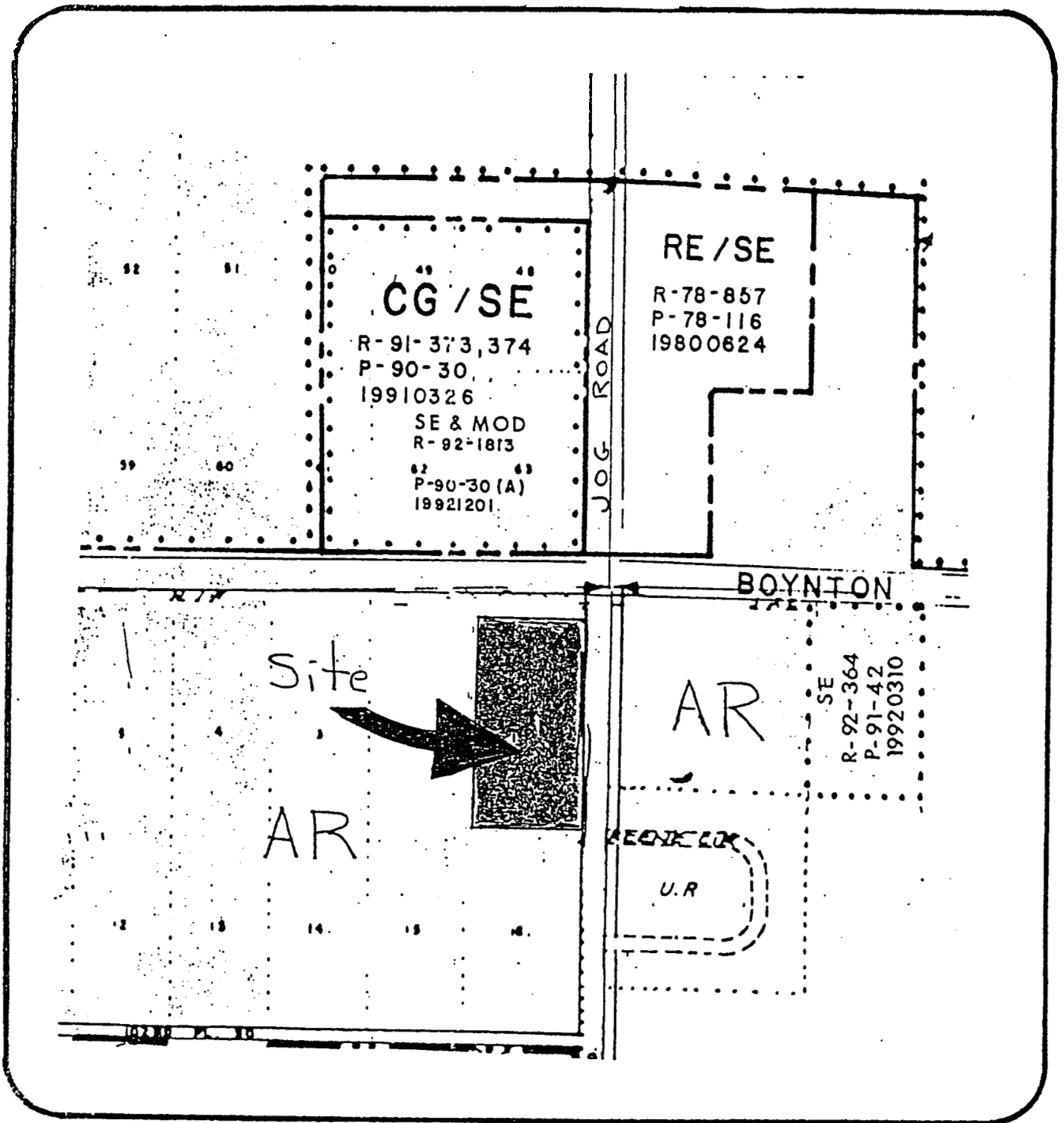


EXHIBIT C

CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of **82,000** square feet. (additional square footage may be allowed pursuant to Article 5.4.E.13 (Minor Deviations) (BUILDING/ZONING))
2. The maximum building height shall not exceed forty (**40**) feet in height measured from finished grade to the highest point of the structure excluding mechanical equipment. (BUILDING/ZONING)

B. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation shall not be located within thirty (**50**) feet of the north, south, east or west property lines. (BUILDING/CODE ENFORCEMENT)
2. All areas or receptacles for the storage and disposal of medical waste, hazardous waste, bio-wastes or other regulated waste products shall be located in an enclosed structure or designation location inside the medical center. (BUILDING/CODE ENFORCEMENT)
3. The storage of medical waste, hazardous waste, bio-waste, or other regulated waste products on site shall be limited to seventy two (**72**) hours. (BUILDING/CODE ENFORCEMENT)

C. HEALTH

1. Water service is available to the property. Therefore, no potable water shall be permitted on the site. All existing on-site potable water systems must be abandoned in accordance with Chapter 100-6, FAC and Palm Beach County ECR-I. (HEALTH)

D. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. (ZONING)
2. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a) Height: fourteen (14) feet
 - b) Caliper: three and one half (**3.5**) inches; measure four and one half (**4.5**) feet above grade;
 - c) Canopy: seven (**7**) feet measured from a minimum of three points. (ZONING)'

E. ENGINEERING

1. Prior to **January 1, 1994** or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner has previously agreed to convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Jog Road, the additional right-of-way for an expanded intersection in accordance with Palm

Beach County's Typical Expanded Intersection Detail. This right-of-way conveyance shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer (MONITORING/BUILDING - Engineering).

2. The Property owner shall update and revise the construction plans for Jog from Boynton Beach Boulevard to the project's south entrance plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed prior to issuance of a paving and drainage permit. Plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division (MONITORING - Engineering).
3. The property owner shall construct Jog Road as a 4 lane median divided section from Boynton Beach Boulevard to the project's south entrance road plus the appropriate paved tapers. This construction may be phased as determined by the County Engineer. Appropriate surety acceptable to the County Engineer for this construction shall be posted prior to the issuance of a building permit or prior to December 1, 1993 whichever shall first occur. All canal crossings within the project limits shall be constructed to their ultimate configuration (MONITORING - Engineering).
4. Credit for Palm Beach County's Fair Share Impact Fee shall be given for monies expended on the Jog Road Construction as required in the conditions above. Credit for the Impact Fee shall be based upon construction costs approved by the County Engineer, less the cost of the construction of 2 lane paved access from Boynton Beach Boulevard to the projects north entrance onto Jog Road.

F. LANDSCAPE WITHIN MEDIAN

1. Prior to issuance of a Building Permit, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees:

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Ground cover:

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- 1) All plants shall be container grown or field collected and transplanted from the project site.
 - 2) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (ENGINEERING)
2. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. (BUILDING/ENGINEER - Zoning)
 3. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (BUILDING/ENGINEERING - County Attorney)

G. LANDSCAPING - INTERIOR

1. Landscaped divider medians shall be provided between all abutting rows of parking spaces. The minimum width of this median shall be five (5) feet. One native canopy tree or two native palm trees and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center. (ZONING)

H. LANDSCAPING ALONG THE NORTH, AND SOUTH PROPERTY LINES

1. Landscaping and buffering along the north, and south property lines shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip.
 - b. One native canopy tree planted for every twenty (20) feet, not to exceed thirty (30) feet on center.
 - c. One native palm tree for each thirty (30) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
 - d. A continuous hedge, to be maintained at a minimum of thirty six (36) inches in height, shall be planted at thirty (30) inches in height twenty four (24) inches on center. (ZONING)

I. LANDSCAPING ALONG THE WEST PROPERTY LINE

1. Landscaping and buffering along the west property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. A wall with a minimum height of six (6) feet placed in the center of the buffer;
 - c. One native canopy tree planted twenty (20) feet on center;
 - d. One native palm tree for each thirty (30) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
 - e. A continuous hedge, to be maintained at a minimum of forty eight (48) inches in height, shall be planted at thirty six (36) inches in height, twenty four (24) inches on center to be maintained a minimum of seventy two (72) inches in height. (ZONING)

J. LANDSCAPING ALONG THE EAST PROPERTY LINE

1. Landscaping and buffering along the east property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip.
 - b. One native canopy tree planted for every twenty (20) feet, not to exceed thirty (30) feet on center.
 - c. One native palm tree for each thirty (30) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
 - d. A continuous hedge, to be maintained at a minimum of thirty six (36) inches in height, shall be planted at thirty (30) inches in height twenty four (24) inches on center. (ZONING)

K. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CODE ENFORCEMENT)
2. Lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to the highest point. (BUILDING/CODE ENFORCEMENT)
3. All outdoor shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

L. SIGNS

1. Signs fronting on Jog Road shall be limited as follows:
 - a. Maximum sign height: Ten (10) feet, measured from finished grade to the highest point.
 - b. Maximum total sign face area of one hundred (100) square feet. (BUILDING)
2. Maximum number of Free standing signs permitted on site is two (2). (BUILDING)

M. USE LIMITATION

1. Use of the site shall be limited to medical office and out-patient services. (ZONING)