

ORIGINAL

RESOLUTION NO. R-94- 1674

RESOLUTION APPROVING ZONING PETITION DOA81-197(B)  
, DEVELOPMENT ORDER AMENDMENT  
PETITION OF C.E.S.P., 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, 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 DOA81-197(B) was presented to the Board of County Commissioners at a public hearing conducted on December 5, 1994; 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 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 reservation and therefore 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 DOA81-197(B), the petition of C.E.S.P., Inc., for a DEVELOPMENT ORDER AMENDMENT in the Commercial High Office (CHO) Zoning District, to increase square footage, previously approved 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 December 5, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

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

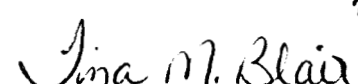
The Chair thereupon declared that the resolution was duly passed and adopted this 5th day of December, 1994.

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

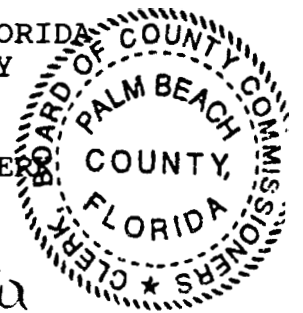


EXHIBIT A  
LEGAL DESCRIPTION

DESCRIPTION

ALL OF TRACTS 13 AND 18 AND THE WEST 1/2 OF TRACTS 12 AND 19, MODEL LAND COMPANY'S SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGE 79, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 40.00 FEET OF TRACTS 12 AND 13, AND LESS THE SOUTH 25.00 FEET OF TRACTS 18 AND 19, AND FURTHER LESS THE NORTH 14.00 FEET OF THE SOUTH 39.00 FEET OF TRACT 18 AND THE WEST 1/2 OF TRACT 19.

SUBJECT TO EASEMENTS, RESERVATIONS AND RIGHTS-OF-WAY OF PUBLIC RECORD.

THIS PARCEL CONTAINS 14.106 ACRES.

EXHIBIT B  
VICINITY SKETCH

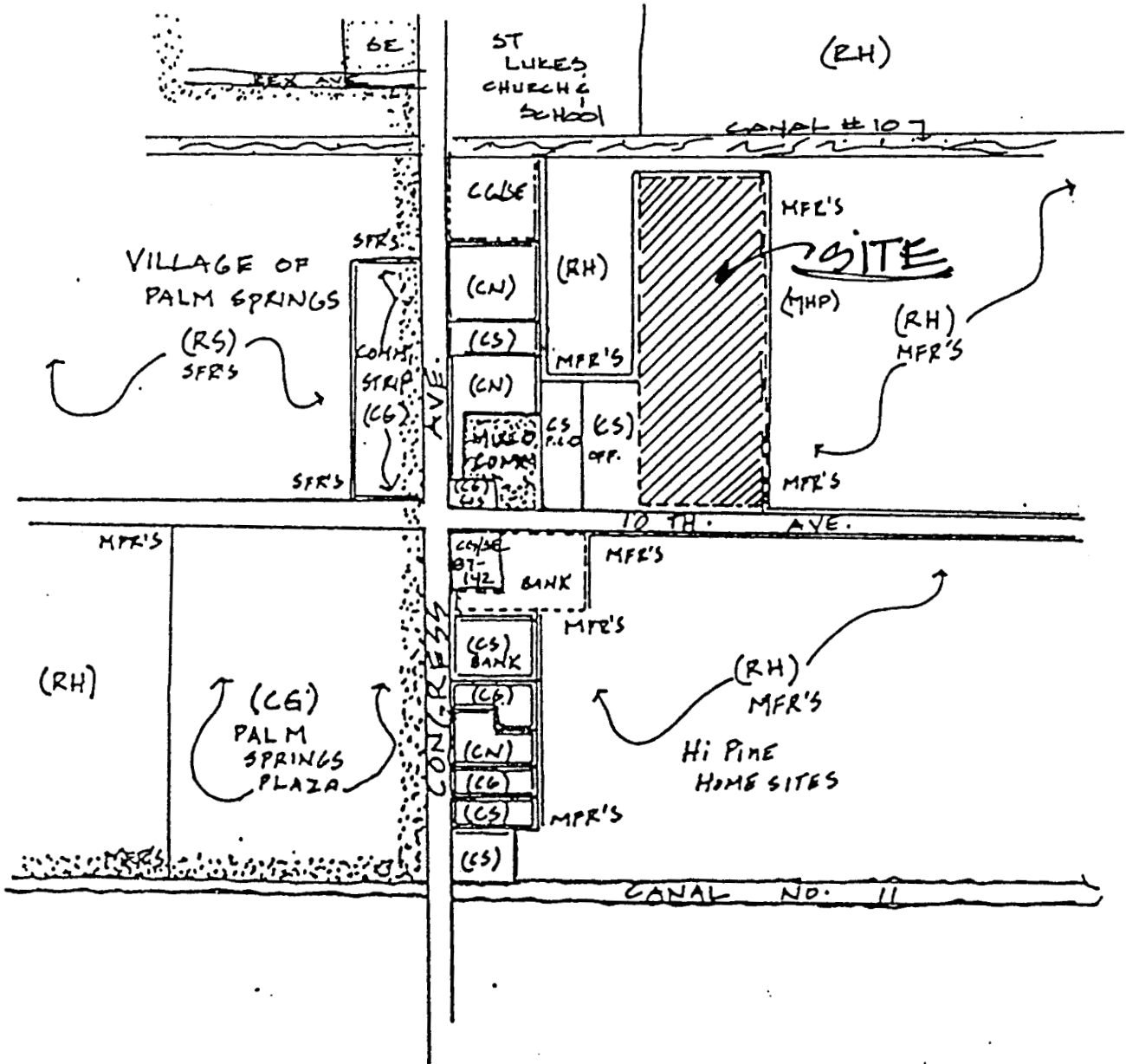


EXHIBIT C

CONDITIONS OF APPROVAL

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

**A. ALL PETITIONS**

1. Condition No. 1 of Resolution No. R-89-952, Petition No. 81-197(A) which currently states:

**The developer shall comply with all previous conditions of approval, unless expressly modified herein.**

**Is hereby amended to state:**

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-81-1614, R-81-1615 and R-89-952, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval unless expressly modified. (MONITORING)

**B. GENERAL**

1. **Prior to certification, the site plan shall be amended to indicate the following:**
  - a. **Revised tabular information which shall**
    - 1) **Key each structure on site;**
    - 2) **Specify the number of stories and overall height of each structure; and**
    - 3) **Indicate total floor area for each structure**
  - b. **Access dimensions for all curb cuts.**
  - c. **Revised landscape tabular which addresses the entire 14.2 acres.**
  - d. **Required minimum tree count (247 trees).**
  - e. **Required right-of-way dimension of 55 feet from centerline of Tenth Avenue North.**
  - f. **Indicate the parking required and proposed for each structure and corresponding uses. (Previously Condition No. 2 of Resolution No. R-89-952, Petition No. 81-197(A) (ZONING))**
2. **Prior to Site Plan Review Committee certification, the petitioner shall indicate all structures on site with respective square footages. All multiple floor structures shall indicate individual floor areas for each level. The site plan shall meet all of the requirements of Section 401.2 of the Zoning Code and said requirements set forth in the Special Exception Application, pages 8 and 9. (Previously Condition No. 3 of Resolution No. R-89-952, Petition No. 81-197(A) (ZONING))**

3. **Prior to Site Plan Review Committee Certification, the petitioner shall submit an as built survey which clearly show all structures on site, including building square footage, height, and appropriate dimensions.** (Previously Condition No. 4 of Resolution No. R-89-952, Petition No. 81-197(A) (ZONING)
4. **Graphics presented at the Board of County Commissioners public hearing shall be submitted simultaneously with submittal of the site plan to Site Plan Review Committee.** (Previously Condition No. 16 of Resolution No. R-89-952, Petition No. 81-197(A) (ZONING)

C. LANDSCAPING - STANDARDS

1. All 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. (BUILDING-Zoning)

D. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every ten (10) parking spaces required for the construction of the subject addition (81-197(B)). The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (BUILDING-Zoning)
2. All australian pine trees on site shall be cut and maintained at a maximum height of eight (8) feet. (BUILDING-Zoning)

E. ENGINEERING

1. **Petitioner shall convey to Palm Beach County within ninety (90) days of Special Exception approval 54' from centerline for the ultimate right of way for Tenth Avenue North.** (Previously Condition No. 1 of Resolution No. R-81-1615, Petition No. 81-197) (ENGINEERING)

[Note: This condition has been completed.]

2. **Petitioner shall contribute Four Hundred and Fifty Dollars (\$450.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permits.** (Previously Condition No. 2 of Resolution No. R-81-1615, Petition No. 81-197) (ENGINEERING)

3. Condition 7 of Resolution R-89-952, Petition 81-197(A) which currently states:

**Because this project is in the C-51 Basin, no sits plans shall be approved until a permit is obtained from the South Florida Water Management District.** (Previously Condition No. 7 of Resolution No. R-89-952, Petition No. 81-197(A) (ENGINEERING)

**Is hereby deleted.** [Reason Code Requirement]

4. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Tenth Avenue North, 55 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way 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. (Previously Condition No. 8 of Resolution No. R-89-952, Petition No. 81-197(A) (ENGINEERING))
5. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$16,020.00 (598 trips X \$26.79 per trip). (Previously Condition No. 9 of Resolution No. R-89-952, Petition No. 81-197(A) (ENGINEERING))
6. In addition the petitioner shall contribute the amount of \$3,211.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$19,231.00 shall be paid prior to the issuance of the first Building Permit or prior to whichever shall first occur. (Previously Condition No. 10 of Resolution No. R-89-952, Petition No. 81-197(A) (ENGINEERING))
7. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$3,211.00 shall be credited toward the increased Fair Share Fee. (Previously Condition No. 11 of Resolution No. R-89-952, Petition No. 81-197(A) (ENGINEERING))
8. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for Zoning Petition 81-197(B) which permits construction of a 7,000 square foot oncology building at the time of issuance of the Building Permit presently is \$6,930.00 (126 additional trips/day X \$55.00 per trip) (IMPACT FEE COORDINATOR).

F. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. A minimum ten (10) foot wide landscape buffer strip.
  - b. A six (6) foot high opaque wall, fence or berm and hedge combination. (BUILDING-Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required six (6) foot high barrier:
  - a. One (1) canopy tree planted every twenty (23) feet on center.
  - b. Thirty (30) 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 forty-eight (48) inches. (BUILDING-Zoning)

3. Along the interior side of the required barrier, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (BUILDING-Zoning)

G. HEALTH

1. The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (Previously Condition No. 3 of Resolution No. R-81-1615, Petition No. 81-197) (HEALTH)
2. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters. (Previously Condition No. 4 of Resolution No. R-81-1615, Petition No. 81-197) (HEALTH)
3. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (Previously Condition No. 13 of Resolution No. R-89-952, Petition No. 81-197(A) (HEALTH)
4. Condition No. 14 of Resolution No. R-89-952, Petition NO. 81-197(A) which currently states:

**Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.**

Is hereby amended to state:

Sewer service is available to the property, therefore, no septic Tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-I. (HEALTH)

5. Condition No. 15 of Resolution No. R-89-952, Petition No. 81-197(A) which currently states:

**Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.**

Is hereby amended to state:

Water service is available to the property, therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)

H. LIGHTING

1. Condition No. 6 of Resolution No. R-89-952, Petition NO. 81-197(A) which currently states:

**All proposed outdoor site lighting used to illuminate the premises shall be low intensity and directed away from adjacent residentially zoned property and shall not exceed twenty (20) feet in height.**

Is hereby amended to state:



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. (BUILDING/CODE ENFORCEMENT)

I. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)

J. USE LIMITATION

1. The use of proposed addition shall be limited to office use only associated with the Hospital and their related uses or physicians with staff privileges. (Previously Condition No. 12 of Resolution No. R-89-952, Petition No. 81-197 (A) (CODE ENFORCEMENT)

K. SIGNAGE

1. No off-premise signs shall be permitted on the site. (Previously Condition No. 5 of Resolution No. R-89-952, Petition No. 81-197(A) (CODE ENFORCEMENT)
2. Should the existing signage be relocated, removed or altered, all point of purchase or freestanding signs fronting on 10th Avenue North 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);
  - d. Style - monument style only. (BUILDING)

L. COMPLIANCE

1. Condition No. 17 of Resolution No. R-89-952, Petition No. 81-197(A) which currently states:

Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Is hereby amended to state:

Failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or

- b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
- c. A requirement of the development to conform with updated standards of development, applicable 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;
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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 Conditional Use, Rezoning, **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)**