

## RESOLUTION NO. R-2008-1393

RESOLUTION APPROVING ZONING APPLICATION Z2007-01808  
(CONTROL NO. 2007-00428)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
APPLICATION OF MIKE GILLEY  
BY FROGNER CONSULTING, LLC, AGENT  
(MILITARY MEDICAL)

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 applications relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application Z2007-01808 was presented to the Board of County Commissioners at a public hearing conducted on August 28, 2008; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and 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 Land Use Amendment SCA-2008-00019;
2. This official zoning map amendment (rezoning) is consistent with the stated purpose, intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations;
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment;
5. This official zoning map amendment (rezoning) 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;
6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern; and,
7. This official zoning map amendment is consistent with applicable Neighborhood Plans.

8. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application Z2007-01808 the application of Mike Gilley by Frogner Consulting, LLC, agent, for an Official Zoning Map Amendment from the Agriculture Residential Zoning District to the Community Commercial Zoning District with a CONDITIONAL OVERLAY ZONE on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on August 28, 2008, subject to the conditions of the CONDITIONAL OVERLAY ZONE described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Jeff Koons moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	-	Aye
Jeff Koons, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Robert J. Kanjian	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Jess R. Santamaria	-	

The Chairperson thereupon declared that this resolution shall not become effective until Small Scale Land Use Amendment SCA-2008-00019 (MILITARY/ATLANTIS MEDICAL OFFICE) is effective.

Filed with the Clerk of the Board of County Commissioners on September 2, 2008.

This resolution was filed with the Clerk of the Board of County Commissioners on Septemebr 2, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

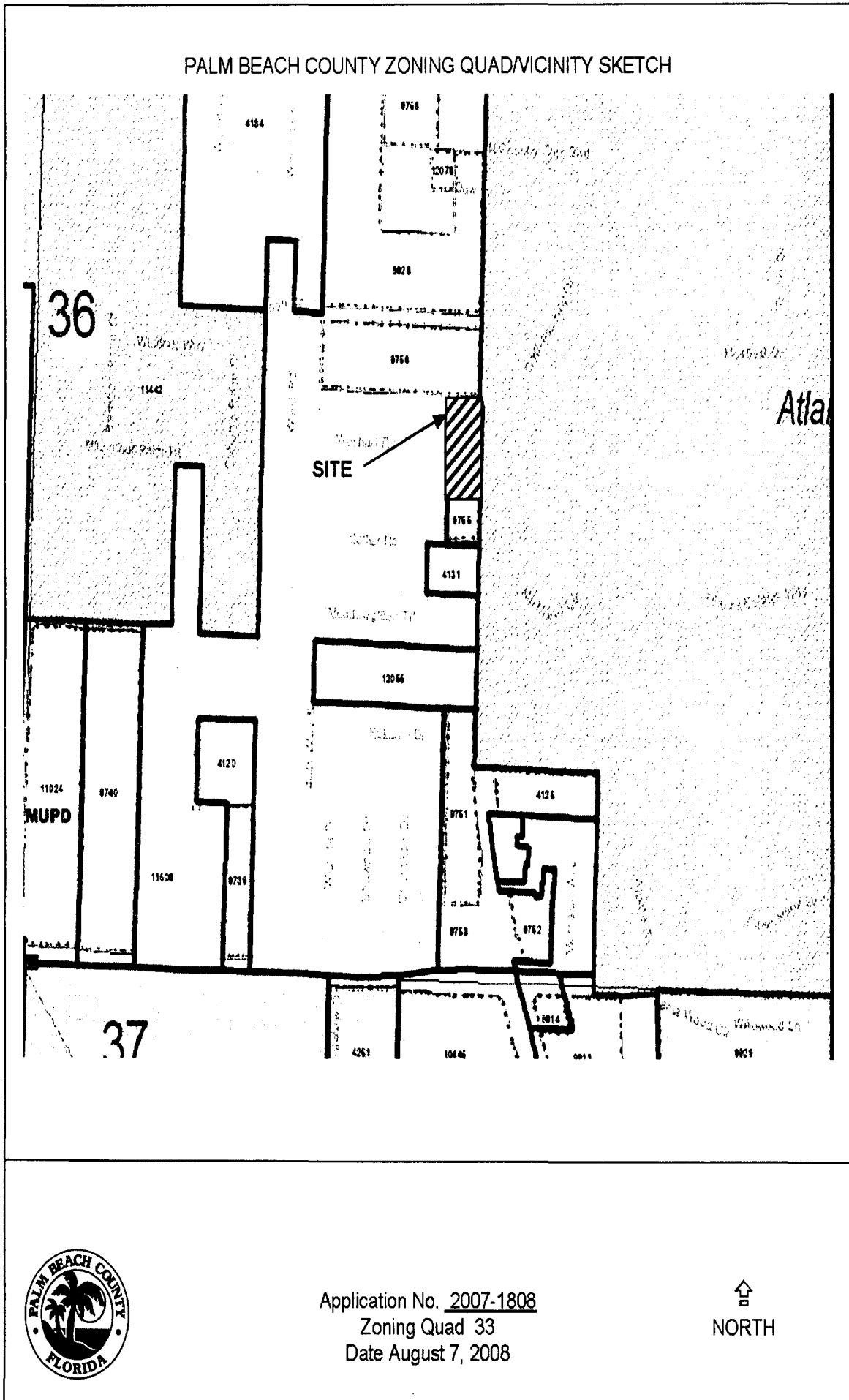
BY:   
DEPUTY CLERK



EXHIBIT A  
LEGAL DESCRIPTION

Lot 1, less the West 50 feet of the South 181.02 feet, and also less the East 17 feet conveyed to Palm Beach County in Official Record Book 5940, page 696, WENHART ESTATES, according to the plat thereof as recorded in Plat Book 23, Page(s) 147, of the Public Records of Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved Preliminary Site plan is dated May 29, 2008. 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 - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the Medical and Professional office building shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

2. Similar architectural character and treatment, including but not limited to color, material, fenestration and roofline, shall be provided on all sides of the building. (DRO: ARCH REVIEW - Zoning)

3. In addition to the requirements of the ULDC, Article 5.C. - Design Guidelines, the east side of the building or rear facade shall be architecturally enhanced by including design elements that give the impression of access and all windows shall include details such as decorative molding or trim, arches, or any other decorative element acceptable by the architectural review section. (DRO: ARCH REVIEW - Zoning)

#### DEPARTMENT OF AIRPORTS (DOA)

1. On occasion the owners/tenants/employees/visitors on the Military Medical site, Control 07-428, will observe aircraft arriving and departing from Palm Beach County Park Airport. Each perspective tenant and purchaser within this building should be informed and disclosed of the following prior to a real estate contract that may eventually transfer ownership in real property. The condition will become inclusive in the contract's conditions and shall be noted in subsequent contracts. "The area of the Medical Office property lie beneath the arrival and departure corridor for Palm Beach County Park Airport." The property owner shall submit documentation of compliance with this condition prior to final approval by the Development Review Officer (DRO) and thereafter on an annual basis to the Monitoring Section of Planning, Zoning, and Building. (ONGOING: MONITORING - Airports)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

A) No Building Permits for the site may be issued after August 28, 2012. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

#### 2. CORNER CLIP CONVEYANCE OF ROAD RIGHT OF WAY

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer

for a 25 foot Corner Clip at the intersection of Wenhart Road and Military Trail  
All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of a Building Permit. Right of way conveyance shall be free of all encroachments and encumbrances. 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. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate provisions for Expanded Intersection Details and "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDG. PERMIT: MONITORING-Eng)

3. Prior to final site plan approval, the property owner shall provide a line of sight easement at the northwest corner of the property for Wenhart Road. Landscaping and construction within this easement shall conform to Palm Beach County Standards. Prior to recordation of this easement by the property Owner, the County Attorney shall approve the form and content. (DRO APPROVAL:COUNTY ATTORNEY)

#### ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING:ERM-ERM)

#### LANDSCAPE – STANDARD

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)

2. All palms required to be planted on the property 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 clear trunk; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE Zoning)

3. All pines required to be planted on the property by this approval shall meet the following minimum standards at installation:

- a. pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation and have a maximum spacing of forty (40) feet between clusters; and,
- b. credit may be given for existing pines provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE Zoning)

4. The landscape focal point shall be subject to review and approval by the Landscape Section and shall be reflected on the Regulating Plan prior to final approval by the Development Review Officer (DRO). (DRO: LANDSCAPE - Zoning)

## LANDSCAPE - STANDARD-LANDSCAPING ALONG THE WEST PROPERTY LINE

5. In addition to code requirements and the proposed landscaping and/or buffer width, landscaping along the west property line (exclusive of the safe sight corner) shall be upgraded to include:

- a. a six (6) foot high opaque concrete panel wall. Height of the wall shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of height shall be finalized subject to the review and approval by the Landscape Section to ensure screening effect is achieved for the adjacent property. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; and,
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

## LANDSCAPE – STANDARD

6. A minimum of 75 percent of canopy trees to be planted in the landscape buffer along the west property line shall be native and meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE Zoning)

7. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)

## LIGHTING

1. All outdoor, freestanding lighting fixtures be setback a minimum of sixty (60) feet from the west property line. (BLDG PERMIT: BLDG - Zoning)

## PLANNING

1. The subject site shall be limited to office and accessory uses to office.(ONGOING-PLANNING-Zoning)

## SIGNS

1. Wall sign(s) shall be limited to the east facade (rear) of the building only. (ONGOING: BLDG - Zoning)

## USE LIMITATIONS

1. Uses are limited to Medical and Dental Office use and Office, Business or Professional use ONLY pursuant to Planning Condition 1 for the concurrent land use amendment. (ONGOING: ZONING - Zoning)

2. Hours of business operation shall be limited to 6:00 a.m. to 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

## COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or

d. Referral to code enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)