

RESOLUTION NO. R-2011-1673

RESOLUTION APPROVING ZONING APPLICATION DOA-2011-01425
(CONTROL NO. 1984-00054)
a Development Order Amendment
APPLICATION OF Palms West Hospital Limited Partnership
BY Chen Moore & Associates, Gresham, Smith & Partner, AGENT
(Palms West Hospital)

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

WHEREAS, Zoning Application DOA-2011-01425 was presented to the Board of County Commissioners at a public hearing conducted on October 27, 2011; 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, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

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 DOA-2011-01425, the petition of Palms West Hospital Limited Partnership, by Chen Moore & Associates, Gresham, Smith & Partner, agent, for a Development Order Amendment to modify the Preliminary Site Plan by deleting land area, adding square footage and beds, and amending a Condition of Approval (Use Limitation) in the Institutional and Public Facility (IPF) 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 October 27, 2011, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

| | |
|---------------------------------------|----------|
| Commissioner Karen T. Marcus, Chair | - Aye |
| Commissioner Shelley Vana, Vice Chair | - Aye |
| Commissioner Paulette Burdick | - Aye |
| Commissioner Steven L. Abrams | - Aye |
| Commissioner Burt Aaronson | - Aye |
| Commissioner Jess R. Santamaria | - Absent |
| Commissioner Priscilla A. Taylor | - |

The Chairperson thereupon declared that the resolution was duly passed and adopted on October 27, 2011.

Filed with the Clerk of the Board of County Commissioners on November 1, 2011

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

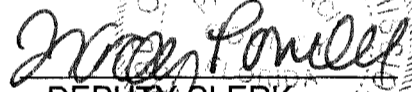
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

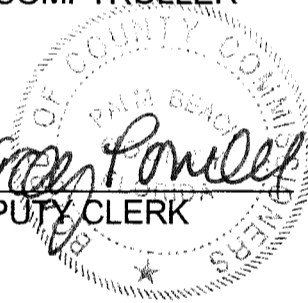


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

(OVERALL AREA – PALM BEACH COUNTY AND VILLAGE OF ROYAL PALM BEACH)

ALL OF THE PLAT OF PALMS WEST MEDICAL CENTER, AS RECORDED IN PLAT BOOK 54, PAGES 155 AND 156, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS THE 1.85 ACRE PARCEL DESIGNATED AS RIGHT-OF-WAY FOR SOUTHERN BOULEVARD (STATE ROAD 80) ON THE ABOVE REFERENCED PLAT.

TOGETHER WITH THE FOLLOWING:

ALL OF THE PLAT OF PALMS WEST MEDICAL OFFICE COMPLEX, AS RECORDED IN PLAT BOOK 69, PAGES 149 AND 150, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

(CONTAINING 74.32 ACRES MORE OR LESS)

LESS, AND ACCEPT

(ANNEXED PORTION TO VILLAGE OF ROYAL PALM BEACH)

BEGIN AT THE SOUTHEAST CORNER OF THE PLAT OF PALMS WEST MEDICAL OFFICE COMPLEX AS RECORDED IN PLAT BOOK 69, PAGES 149 AND 150 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N89°59'40"W 450.51 FEET ALONG THE NORTHERLY RIGHT OF WAY LINE OF SOUTHERN BOULEVARD AS RECORDED IN PLAT BOOK 12, PAGE 29 AND PLAT BOOK 54, PAGE 155 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N00°23'11"E 287.01 FEET; THENCE S89°59'40"E 36.70 FEET; THENCE N00°00'20"E 80.00 FEET; THENCE N89°59'40"W 38.24 FEET; THENCE N00°22'53"E 449.01 FEET; THENCE N89°59'40"W 157.00 FEET; THENCE N00°23'13"E 35.00 FEET; THENCE N89°59'40"W 63.51 FEET TO A POINT ON THE EASTERLY LINE OF PALMS WEST PARKWAY AS RECORDED IN PLAT BOOK 54, PAGE 155 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N00°23'11"E ALONG SAID EASTERLY LINE A DISTANCE OF 335.41 FEET; THENCE N19°58'27"E 238.03 FEET; THENCE N00°22'33"E 171.28 FEET TO A POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 59°43'19" AN ARC DISTANCE OF 20.85 FEET TO A POINT OF REVERSE CURVATURE OF A 60.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHERLY, NORTHWESTERLY, AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 231°45'00" AN ARC DISTANCE OF 242.69 FEET TO A POINT OF NON TANGENCY; THENCE N00°23'11"E 429.42 FEET TO A POINT ON THE NORTH LINE OF SAID PALMS WEST MEDICAL OFFICE COMPLEX PLAT; THENCE N88°51'56"E ALONG SAID NORTH LINE, A DISTANCE OF 672.96 FEET TO THE NORTH EAST CORNER OF SAID PALMS WEST MEDICAL OFFICE COMPLEX PLAT; THENCE S00°23'33"W 2102.17 FEET ALONG THE EAST LINE OF SAID PLAT TO THE POINT OF BEGINNING. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

(CONTAINING 1,188,818.646 SQUARE FEET (27.292 ACRES) MORE OR LESS.)

CONTAINING 47.05 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

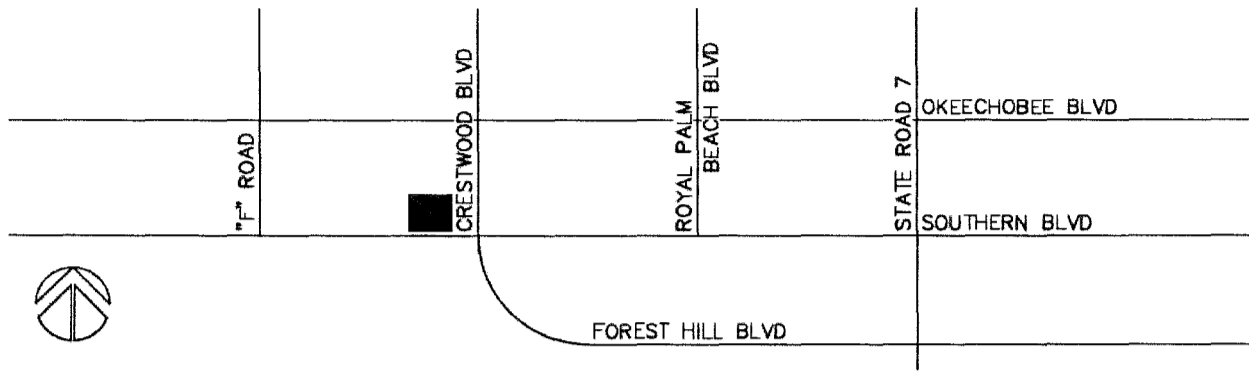


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution R-2001-1203, Control No. 84-054 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2001-0140.1, R-2001-0141.1, R-2001-0604, (Petition DOA84-054(E) (Petition CA 84-054(E))) have been consolidated 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-2001-1203 (Control No. 84-054), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition A.2 of Resolution R-2001-1203, Control No. 84-054 which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master plan is dated May 24, 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. (DRO: ZONING)

Is hereby amended to read:

The approved Preliminary Site Plan is dated August 22, 2011. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

BUILDING-AND SITE DESIGN

1. Condition B.1 of Resolution R-2001-1203, Control No. 84-054 which currently states:

Total gross floor area shall be limited to a maximum of 529,441 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division or DRC. (BLDG PERMIT: ZONING/BUILDING)

Is hereby deleted - [REASON: Code Requirement, pursuant to ULDC Article 2.D.1.G, Administrative Review]

2. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of each building. (BLDG PERMIT: ARCH REVIEW zoning) (Previous Condition B.2 of Resolution R-2001-1203, Control No. 84-054)

3. All ground or roof mounted air conditioning and mechanical equipment including satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning) (Previous Condition B.3 of Resolution R-2001-1203, Control No. 84-054)

4. The maximum height for the hospital building, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed eighty-five (85) feet. All heights shall be measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Condition B.4 of Resolution R-2001-1203, Control No. 84-054).

5. Previous Condition B.5 of Resolution R-2001-1203, Control No. 84-054 which currently states:

The maximum height for all medical buildings (except for Medical Office Building 5), including all air conditioning and mechanical equipment, and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (CO: BLDG - Zoning)

Is hereby amended to read:

The maximum height for all medical buildings including all air conditioning and mechanical equipment, and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (CO: BLDG - Zoning)

6. Previous Condition B.6 of Resolution R-2001-1203, Control No. 84-054 wich currently states:

The maximum height for Medical Office Building 5, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed sixty-five (65) feet, provided all setbacks are met. All heights shall be measured from finished grade to highest point. (CO: BLDG - Zoning)

Is hereby deleted – [REASON: Condition refers to portion of site that has been annexed into the Village of Royal Palm Beach]

DRO-PLATTING

1. Prior to Site Plan approval, property owner shall record a Unity of Title on the existing platted lots. (DRO: COUNTY ATTORNEY Zoning) (Previous Condition P.1 of Resolution R-2001-1203, Control No. 84-054) [Note: COMPLETED]

DRO-DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation shall:

- a. not be located within one-hundred (100) feet of any property line, except for the eastern property line where a fifty-foot (50) setback shall be maintained;
- b. be confined to areas designated on the site plan and screened by a solid opaque enclosure. The open end of the enclosure shall have an obscure, opaque gate.
- c. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty-six (36) inch high shrub and hedge material planted twenty-four (24) inches on center. This provision shall not apply to litter containers provided for the convenience of pedestrians. (ONGOING: CODE ENF Zoning) (Previous Condition D.1 of Resolution R-2001-1203, Control No. 84-054)

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 December 31, 2014. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. Prior to October 27, 2012, the property owner shall create a lot of record in accordance with provisions of Article 11 of the Unified Land Development Code to adjust for the area that was annexed into the municipality. (DATE: MONITORING-Eng)

3. The Developer shall install signalization if warranted as determined by the County Engineer at State Road 80 and project's entrance road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: ENGINEERING Eng) (Previous condition E3 of Resolution R-2001-1203, Control No. 1984-054) [Note: COMPLETED]

4. Prior to Site Plan approval the property owner shall execute and record Restriction Covenant for:

- a. The proposed day care center limiting its use to children of employees only.
- b. The use of the proposed medical office complex shall be limited to medical uses associated with the hospital and its related uses or physicians with staff privileges. (ONGOING: ENGINEERING - Eng) (Previous condition E4 of Resolution R-2001-1203, Control No. 1984-054) [Note: COMPLETED]

5. Building permits shall not be issued for a development which would generate more than 1,041 trip/day as approved by the County Engineer until construction has begun for a right turn lane, east approach on State Road 80 at Royal Palm Beach Boulevard. (ONGOING: ENGINEERING - Eng) (Previous condition E5 of Resolution R-2001-1203, Control No. 1984-054) [Note: COMPLETED]

6. Previous condition E6 of Resolution R-2001-1203, Control No. 1984-054, which currently states:

Prior to certification of the site plan the developer shall record a cross access easement to the property owner to the east. The width and the location of this access easement shall be subject to the approval of the County Attorney and the County Engineer. (DRO APPROVAL: ENGINEERING/COUNTY ATTORNEY)

Is hereby deleted - [REASON: Condition refers to portion of site that has been annexed into the municipality of Royal Palm Beach]

7. 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:

| <u>Trees:</u> | <u>Ground Cover:</u> |
|----------------|----------------------|
| Laurel Oak | Wedelia |
| Live Oak | Bahia Grass |
| Slash Pine | |
| Sabal Palmetto | |

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:

- a. All plants shall be container grown or field collected and transplanted from the project site.
- b. 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. (BLDG PERMIT: MONITORING - Eng) (Previous condition M1 of Resolution R-2001-1203, Control No. 1984-054) [Note: COMPLETED]

8. All required median landscaping, including watering, shall be the maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association until November 1, 1995, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. (CO/PLAT: MONITORING - Eng) (Previous condition M2 of Resolution R-2001-1203, Control No. 1984-054) [Note: COMPLETED]

9. 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. (BLDG PERMIT: MONITORING - Eng) (Previous condition M3 of Resolution R-2001-1203, Control No. 1984-054) [Note: COMPLETED]

10. Prior to platting, the property owner shall provide drainage easements to allow for legal positive outfall between the project site and the portion of the site that has been annexed into the municipality. (PLAT: ENGINEERING - Eng)

HEALTH

1. Prior to final Site Plan approval by the Development Review Officer (DRO), the applicant shall provide proof for Water and Sewer Concurrency. (DRO: HEALTH-Health)

2. The daycare shall be limited to a maximum of 100 children and provide services for on site employees only. (ONGOING:HEALTH-Health) (Previous Condition C.1 of Resolution R-2001-1203; Control No. 1984-054)

3. Previous Condition G. 1 of Resolution R-2001-1203; Control No. 1984-054 which reads:

Generation and disposal of hazardous effluent 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 effluent.

Is hereby amended to read:

Owners and operators of facilities that generate industrial, hazardous, or toxic wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Palm Beach County Health Department, and the agency responsible for sewerage works is constructed and used. (ONGOING: CODE ENF-Health)

4. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH-Health) (Previous condition G. 2 of Resolution R-2001-1203; Control 1984-054)

5. Water service is available to the property. Therefore no well shall be permitted on the site to provide potable water. (ONGOING:HEALTH-Health) (Previous condition G.3 of Resolution R-2001-1203; Control No. 1984-054)

6. Previous Condition G.4 of Resolution R-2001-1203; Control No. 1984-054 which reads:

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 Enf)

Is hereby deleted - [REASON: Code requirement]

7. Previous Condition G.5 of Resolution R-2001-1203; Control No. 1984-054 which reads:

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 Enf)

Is hereby deleted - [REASON: Code requirement]

LANDSCAPE - GENERAL

1. Prior to Site Plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to the Landscape Betterment Plan and all landscape/vegetation preservation Conditions of Approval. (DRO: LANDSCAPE Zoning) (Previous Condition I.1 of Resolution R-2001-1203, Control No. 84-054)

2. Previous Condition I.2 of Resolution R-2001-1203, Control No. 84-054 which currently states:

Existing or relocated native vegetation and understory may be counted toward meeting landscape requirements. (BLDG PERMIT: LANDSCAPE/ ERM)

Is hereby deleted – [REASON: Code requirement ULDC Article 7]

LANDSCAPE - INTERIOR

3. Previous Condition J.1 of Resolution R-2001-1203, Control No. 84-054 which currently states:

One landscape island shall be provided for every ten (10) parking spaces. Each landscape island shall be planted with a minimum of one native canopy tree or native palm tree and appropriate ground cover. The maximum spacing between landscape islands shall not exceed one hundred linear feet. (BLDG PERMIT: LANDSCAPE Zoning)

Is hereby deleted – [REASON: Code Requirements pursuant to Article 7.G.2.C., Divider Median]

4. 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. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Condition J.2 of Resolution R-2001-1203, Control No. 84-054) [Note: COMPLETED]

5. Previous Condition J.3 of Resolution R-2001-1203, Control No. 84-054 which currently states:

All trees within the interior parking area shall be a minimum of twelve (12) feet in height. (BLDG PERMIT: LANDSCAPE Zoning)

Is hereby deleted – [REASON: Code Requirements pursuant to Article 7.G.2.B, Interior Islands]

6. Prior to Site Plan certification, the Alternative Landscape Betterment Plan shall be amended to indicate typical landscape island and divider median planting details, subject to approval by the Zoning Division. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Condition J.4 of Resolution R-2001-1203, Control No. 84-054) [Note: COMPLETED]

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH PROPERTY LINE

7. Landscaping within the required buffer along the south property line shall be upgraded to include:

- a. One fourteen (14) foot tall native canopy tree planted every twenty (20) feet on center;
- b. One twelve (12) foot tall native palm tree for each thirty (30) linear feet of frontage; and

c. A continuous hedge with a minimum height of thirty-six (36) inches planted twenty-four (24) inches on center. Hedge material may be installed at twenty four (24) inches provided that the minimum height is attained within one (1) year of installation.

[NOTE: superseded by Alternative Betterment Plan, Exhibit 102] (BLDG PERMIT: LANDSCAPE Zoning) (Previous Condition K.1 of Resolution R-2001-1203, Control No. 84-054) [Note: COMPLETED]

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH, EAST AND WEST PROPERTY LINES

8. Previous Condition L.1 of Resolution R-2001-1203, Control No. 84-054 which currently states:

All required landscaping required by condition L.2 or as depicted in the approved alternative landscape betterment plan shall be installed on the:

a. Along the north property line within sixty (60) days of the completion of the exotic species removal along the north and west property line consistent with the submitted preserve management plan required by condition F.4 (Exotic Removal Plan & Preserve Management); and,

b. East property line concurrent with construction of each phase. (BLDG PERMIT: LANDSCAPE Zoning)

Is hereby deleted – [REASON: Code Requirements by ERM]

LANDSCAPE - PERIMETER

9. Previous Condition L.2 of Resolution R-2001-1203, Control No. 84-054 which currently states:

Landscaping and buffering along the north, east and west property lines shall be upgraded to include:

a. Along the north and west property lines - a minimum twenty-five (25) foot wide landscape buffer strip. Along the east property line - a minimum fifty (50) foot wide native buffer strip or ten (10) foot landscape strip combined with a Landscape Betterment Plan along the eastern forty-two (42) feet of the Water Management Tract.

b. A six (6) foot high opaque wall, fence, hedge, berm or combination.

The following landscaping requirements shall be installed on the exterior side of the required landscape barrier (Condition L.1.b.):

c. One twelve (12) foot tall native canopy tree planted every twenty (20) feet on center.

d. One twelve (12) foot tall palm tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees shall supersede the requirement for a native canopy tree in that location.

e. Thirty-six (36) inch high shrubs 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. (BLDG PERMIT: LANDSCAPE Zoning) [NOTE: Superseded by Alternative Betterment plan Exhibit 102]

Is hereby amended to read:

Landscaping and buffering along the north and west property lines shall be upgraded to include:

a. a minimum twenty-five (25) foot wide landscape buffer strip.

10. Previous Condition L.3 of Resolution R-2001-1203, Control No. 84-054 which currently states:

Along the interior side of the required landscape barrier, the property owner shall install twenty-four (24) inch high shrubs 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. (BLDG PERMIT: LANDSCAPE Zoning)

[NOTE: superseded by Alternative Betterment plan Exhibit 102]

Is hereby deleted – [REASON: Superseded by Alternative Betterment Plan]

LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed away from adjacent properties and streets. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Condition N.1 of Resolution R-2001-1203, Control No. 84-054)

2. Pole mounted lighting fixtures shall not exceed twenty-four (24) feet in height. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Condition N.2 of Resolution R-2001-1203, Control No. 84-054)

PALM TRAN

1. Prior to issuance of the first Building Permit, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (BLDG PERMIT: MONITORING -Palm Tran)

2. Prior to issuance of CO, the property owner shall post approved Park-N-Ride signage both at the designated Park-N-Ride Area(s) and directing traffic from any adjacent access to the Park-N-Ride Area.

3. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to include:

a. ADA accessible route between the designated Park-N-Ride and the sidewalk along Palms West Pkwy. A pedestrian accessible route is required between the existing Bus Stop Boarding and Alighting Area and the designated Park-N-Ride.

b. single designated Handicapped Accessible Park-N-Ride parking space.

PARKING

1. Previous Condition O.1 of Resolution R-2001-1203, Control No. 84-054 which currently states:

Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives. (ONGOING: CODE ENF Zoning)

Is hereby deleted – [REASON: Code requirement pursuant to ULDC Article 6]

2. Overnight storage or parking of delivery vehicles or trucks not affiliated with hospital use shall not be permitted on site, except within the loading and delivery areas designated on the site plan. (ONGOING: CODE ENF Zoning) (Previous Condition O.2 of Resolution R-2001-1203, Control No. 84-054)

PLANNING

1. Prior to January 1, 2003, the petitioner shall submit a rezoning application of the site's RSER zoning district to the IPF 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 Q.1 of Resolution R-2001-1203, Control No. 84-054) [Note: COMPLETED]

2. Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to include a notation which shall read proposed cross access to be paved to the property line for future access to adjacent parcel” at the eastern property line. (DRC: PLANNING) (Previously Condition Q.2 of Resolution R-2001-1203, Control No. 84-054) [Note: COMPLETED]

3. Prior to the issuance of the certificate of occupancy for Building #4, the petitioner shall pave the property to the edge of the eastern property line at the location shown on the site plan labeled “proposed cross access”. (CO:MONITORING-BUILDING) (Previously Condition Q.3 of Resolution R-2001-1203, Control No. 84-054) [Note: COMPLETED]

SIGNS

1. Signs fronting on Southern Boulevard (State Road 80) shall be limited as follows:

- a. Maximum sign height - ten (10) feet.
- b. Maximum total sign face area - 100 square feet.
- c. Maximum of one identification sign. (BLDG PERMIT: CODE ENF Zoning) (Previous Condition S.1 of Resolution R-2001-1203, Control No. 84-054) [Note: COMPLETED]

2. Previous Condition S.2 of Resolution R-2001-1203, Control No. 84-054 which currently states:

Prior to Site Plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval. (DRO: CODE ENF Zoning)

Is hereby deleted – [REASON: Code requirement pursuant to Article 8.E.3, Master Sign Program Plan]

3. No signs shall encroach into the vegetation preservation areas. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Condition S.3 of Resolution R-2001-1203, Control No. 84-054)

4. Previous Condition S.4 of Resolution R-2001-1203, Control No. 84-054 which currently states:

All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site. (BLDG PERMIT: CODE ENF Zoning)

Is hereby deleted – [REASON: Code requirement pursuant Article 8.C., Prohibitions]

SOLID WASTE AUTHORITY

1. All property owners and lessees 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. (ONGOING: SWA SWA) (Previous Condition R.1 of Resolution R-2001-1203, Control No. 84-054)

TOWERS

1. Previous Condition T.1 of Resolution R-2001-1203, Control No. 84-054 which currently states:

Prior to Site Plan certification by the DRC, the petitioner shall comply with the shared use provisions of the unified Land Development Code (ULDC), Section 6.4.D.22.k. (shared use), as may be amended. Additional square footage on the site of the tower approval, to accommodate additional unmanned users only, may be permitted administratively subject to approval by the DRC. (DRO: ZONING Zoning)

Is hereby deleted - [REASON: Annexed into the Village of Royal Palm Beach]

2. Previous Condition T.2 of Resolution R-2001-1203, Control No. 84-054 which currently states:

Should the requisite authority, such as the FCC or OSHA, having jurisdiction over the same, determine that the Tower and/or facilities are dangerous to the public's health, safety and welfare, Palm Beach County shall have the right to require the tower and/or facilities to be removed or made safe within sixty (60) days written notice. (ONGOING: FIRE/ERM/HEALTH Zoning)

Is hereby deleted - [REASON: Annexed into the Village of Royal Palm Beach]

3. Previous Condition T.3 of Resolution R-2001-1203, Control No. 84-054 which currently states:

If tower lighting is required by the FAA, the lighting shall include a screening device to direct light away from the ground. The lighting shall also include a dual lighting system consisting of red lights for nighttime and high or medium intensity flashing white lights for daytime and twilight. (CO: BLDG - Zoning/FAA)

Is hereby deleted - [REASON: Annexed into the Village of Royal Palm Beach]

4. Previous Condition T.4 of Resolution R-2001-1203, Control No. 84-054 which currently states:

The communication tower shall be limited to a monopole structure, the lesser of either of 1) a maximum of two hundred (200) feet in height measured from finished grade to highest point or 2) not to exceed the combined overall height of the existing hospital and its roof-mounted guyed tower. Height shall be measured from finished grade to the highest point. Only one tower shall be permitted on the subject property. (DRO: BLDG PERMIT - Zoning)

Is hereby deleted - [REASON: Annexed into the Village of Royal Palm Beach]

USE LIMITATIONS - DAY CARE

1. Previous Condition C.2 of Resolution R-2001-1203, Control No. 84-054 which currently states:

Landscaping along the perimeter of the outdoor activity area shall be upgraded to include fourteen (14) foot tall native canopy trees placed twenty (20) feet on center and twenty-four (24) inch high hedge or shrub material placed twenty-four (24) inches on center. Existing native plant material shall be credited towards this requirement. (BLDG PERMIT: LANDSCAPE Zoning)

Is hereby deleted - [REASON: Annexed into the Village of Royal Palm Beach]

USE LIMITATIONS

1. Previous Condition U.1 of Resolution R-2001-1203, Control No. 84-054 which currently states:

Use of the site shall be limited to one hundred eighty (180) hospital beds, clinics, medical offices and accessory uses, and an in-house day care facility for employees of the medical park and hospital only. (CODE ENFORCEMENT/ZONING)

Is hereby amended to read:

Use of the site shall be limited to two hundred twelve (212) hospital beds, clinics, medical offices and accessory uses. (ONGOING: CODE ENF Zoning)

2. No outdoor loudspeaker system audible off site shall be permitted. (ONGOING:

CODE ENF Zoning) (Previous Condition U.2 of Resolution R-2001-1203, Control No. 84-054)

3. Previous Condition U.3 of Resolution R-2001-0140.1, Control no. 1984-054, which currently states:

The medical offices shall be limited to the following uses: physicians consulting offices; substance abuse facilities; sports medicine; dialysis facilities; and, other similar uses approved by the County Engineer. (TRAFFIC/ZONING)

Is hereby deleted - [REASON: Revised traffic study no longer requires this limitation]

4. Previous Condition U.4 of Resolution R-2001-0140.1, Control no. 1984-054, which currently states:

4. The ancillary hospital uses shall be limited to the following uses: ambulatory surgical center; x-ray facilities; rehabilitation facilities (physical and occupational therapy, cardiac rehabilitation), Laboratory facilities; oncology facilities; radiology facilities; and other similar uses approved by the County Engineer. (TRAFFIC/ZONING)

Is hereby deleted - [REASON: Revised traffic study no longer requires this limitation]

COMPLIANCE

1. In granting this approval, the Board of County Commissioners (BCC) relied upon the oral and written representations of the property owner/applicant 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 (BCC) 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 (CO); 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 Unified Land Development Code (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 Official Zoning Map Amendment, Conditional Use, Requested Use, 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. (ONGOING: MONITORING - Zoning)