

RESOLUTION NO. R-2012- 0277

RESOLUTION APPROVING ZONING APPLICATION EAC-2011-02914
(CONTROL NO. 1996-00113)
an Expedited Application Consideration
APPLICATION OF Columbia JFK Medical Center LP
BY Urban Design Kilday Studios, AGENT
(JFK Comprehensive Radiation Oncology)

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 EAC-2011-02914 was presented to the Board of County Commissioners at a public hearing conducted on February 23, 2012; 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 an Expedited Application Consideration.

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 EAC-2011-02914, the petition of Columbia JFK Medical Center LP, by Urban Design Kilday Studios, agent, for an Expedited Application Consideration to delete a Condition of Approval (Signs) in the Urban Infill (UI) 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 February 23, 2012, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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:

Commissioner Shelley Vana, Chair

- Aye

Commissioner Steven L. Abrams, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 23, 2012.

Filed with the Clerk of the Board of County Commissioners on February 28, 2012

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



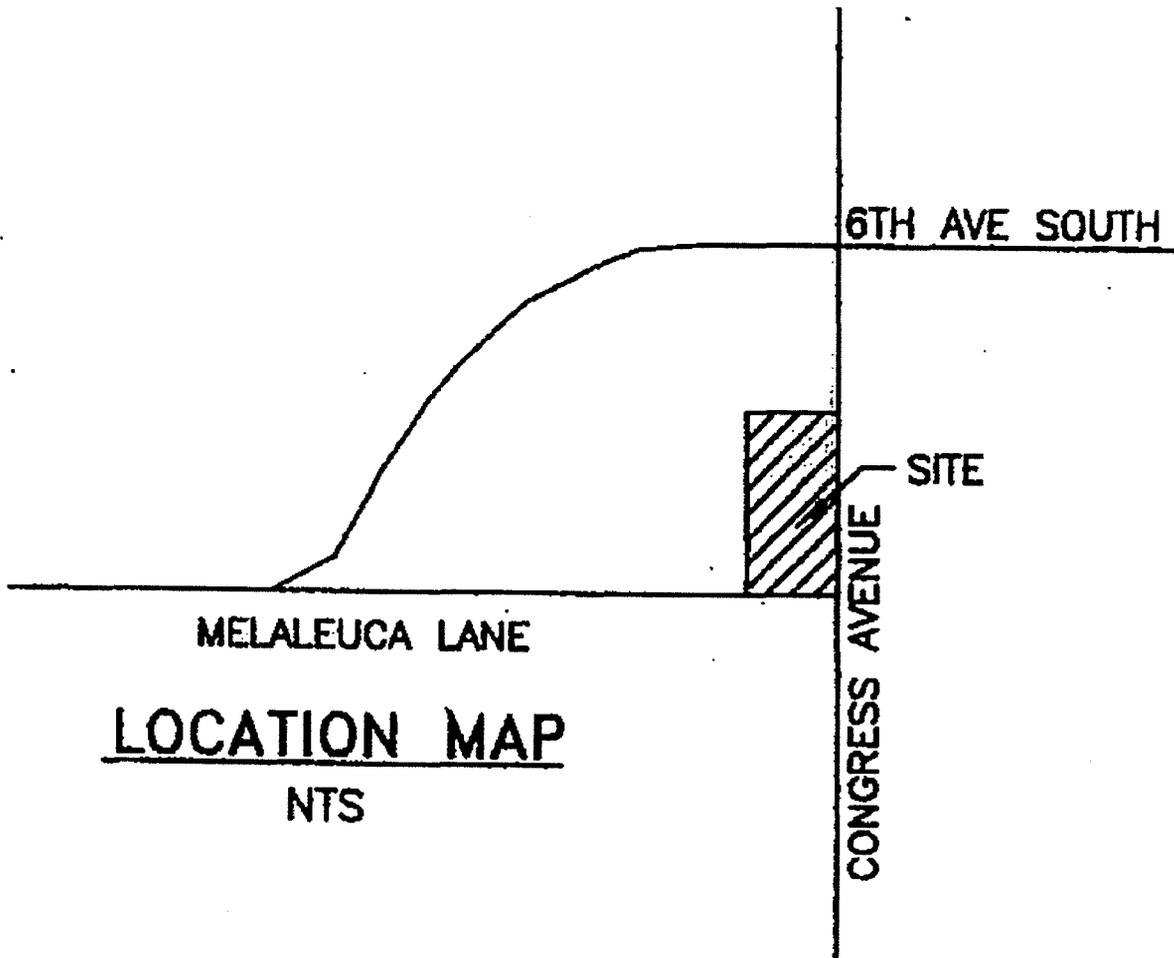
EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

Lot 1 and Lot 2 of Plat of Forty Five Thirty One Congress Avenue, M.U.P.D.. Plat Book 80, pages 43 and 44, Public Records of Palm Beach, County.

EXHIBIT B
VICINITY SKETCH



LOCATION MAP
NTS

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition All Petitions 1 of Resolution R-1999-0328 Control No. 1999-113A, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-97-252 have been consolidated as contained 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.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1999-0328 and R-1999-522 (Control 1996-113) 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. 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 January 12, 1999. 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. (Previously Condition A.2 of Resolution R-99-328, Control 96-113) (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. All buildings and structures shall be designed and constructed by the use of common elements such as consistent forms, colors, building materials, roof lines, architectural details and landscape materials. (Previously Condition B.1 of Resolution R-99-328, Petition 96-113) (BLDG PERMIT: BLDG -Zoning)

2. Similar architectural character and treatment shall be provided on all sides of the buildings. (Previously Condition B.2 of Resolution R-99-328, Petition 96-113) (BLDG PERMIT: BLDG-Zoning)

3. All air conditioning and mechanical equipment 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. (Previously Condition B.3 of Resolution R-99-328, Petition 96-113) (CO: BLDG/LANDSCAPE - Zoning)

4. Interior and exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (Previously Condition B.4 of Resolution R-99-328, Petition 96-113) (BLDG PERMIT: MONITORING - Bldg/ Zoning)

ENGINEERING

1. Prior to June 1, 1997 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Congress Avenue, 53 feet from centerline along the project's entire frontage, 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING -Eng) (Previous Condition E1 of Resolution R-1997-252, Control No. 1996-

113)

[Note: COMPLETED]

2.LANDSCAPE WITHIN MEDIAN

a. Prior to issuance of a building permit, the property owner 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, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and 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. (BLDG PERMIT: MONITORING - Eng)

b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense, All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assigns 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 or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)

c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng) (Previous Condition E4 of Resolution R-1997-252, Control No. 1996-113)

[Note: COMPLETED]

3.Drainage design for the site shall incorporate the adjacent property to the north and west and shall be designed so as to not negatively impact these parcels. (ONGOING: ENGINEERING - Eng) (Previous Condition E.5 of Resolution R-1997-252, Control No. 1996-113)

[Note: COMPLETED]

4.No building permits shall be issued until the contract is awarded for construction of Congress Avenue from Lake Worth Road to Melaleuca Lane to a six-lane cross section. (BLDG PERMIT: MONITORING - Eng) (Previous Condition 2 of Resolution R-2002-1648, Control No. 1996-113)

[Note: COMPLETED]

HEALTH

1.Previous condition Health D.1. of Resolution R-99-328; Control 1996-113 which reads:

Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDER) and the agency responsible for sewage works are constructed and used by tenants or owners generating such effluent. (ONGOING: HEALTH-CODE ENF)

Is hereby amended to read:

Operators and owners generating toxic, hazardous, or industrial 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 sewage works is used. (ONGOING: HEALTH-Code Enf.)

2.Previous condition Health D.2. of Resolution R-99-328: Control 1996-113 which reads:

Any biomedical waster which may be generated at this site shall be properly handled and disposed of in accordance with Chapter 10D- 104FAC. (ONGOING: HEALTH/CODE ENF)

Is hereby amended to read:

Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Chapter 64E-16FAC. (ONGOING:HEALTH-Code Enf)

3.Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730FAC. (ONGOING:HEALTH-CODE ENF)(Previous condition Health D.3 of Resolution R-99-328; Control 1996-113)

Is hereby amended to read:

Any toxic or hazardous waste which sahl be generated at this site shall be handled and disposed of in accordance with Chapter 64E-16 FAC. (ONGOING: HEALTH-Code Enf)

LANDSCAPE - GENERAL

1.All canopy trees required to be planted on site by this approval shall meet the following minimum standards at instillation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 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.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (Previously Condition F.1 of Resolution R-99-328, Petition 96-113) (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 or grey wood, whichever is greater;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet;
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (Previously Condition F2 of Resolution R-99-328, Petition 96-113) (CO: LANDSCAPE - Zoning)

LANDSCAPE - INTERIOR

1.Landscape foundation planting areas shall be provided along the facades of the buildings. The minimum depth of the planting areas shall be five (5) feet and no less than forty percent (40%) of the total length of the applicable side of the building's facade. All foundation areas shall be planted with a minimum of one (1) tree or palm every 20 feed on center and include ground cover plant material. (Previously condition J.1 of Resolution R-99-328, Petition 96-113) (DRO/CO: ZONING / LANDSCAPE)

LANDSCAPING ALONG EAST PROPERTY LINE (CONGRESS AVENUE)

1.Landscaping and buffering along the east property line shall consist of the following:

- a. minimum twenty (20) feet wide landscape buffer strip;
- b. undulating berm with an average height of two (2) feet measured from the top of curb;
- c. one (l)tree for each three hundred square feet buffer area;
- d. one (1) palm or pine tree for each twenty-five (25) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters;
- e. twenty four (24) inch high shrub or hedge material installed on the plateau of the berm and maintained at a minimum height of thirty six (36) inches in height;
- f. credit may be given for existing or relocated native vegetation provided it meets current ULDC requirements. (PreviouslyCondition G.1 of Resolution R-99-328, Petition 96-113)

ONGOING: ERM/ LANDSCAPE/CODE ENF-Zoning)

LANDSCAPING ALONG SOUTH PROPERTY LINE (MELALEUCA LANE)

1.Landscaping and buffering along the south property line shall include:

- a. minimum fifteen (15) feet wide landscape buffer strip;
 - b. undulating berm with an average height of two (2) feet measured from the top of the curb;
 - c. one (1) tree for each three hundred square feet buffer area;
 - d. one (1) palm or pine tree for each twenty-five (25) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters;
 - e. twenty four (24) inch high shrub or hedge material installed on the plateau of the berm and maintained at a minimum height of thirty six (36) inches in height;
 - f. credit may be given for existing or relocated native vegetation provided it meets current ULDC requirements. (Previously Condition H.1 of Resolution R-99-238, Petition 96-113)
- ONGOING: ERM/LANDSCAPE/CODE ENF-Zoning)

LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1.Prior to final Development Review Committee certification, the petitioner shall submit a Landscape Betterment Plan for the north and west property lines. Landscaping and buffering along the north and west property lines shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. The west property line buffer may receive a reduction in the minimum required width for existing landscape buffer on the property to the west, subject to DRC approval. Fifteen (15) foot wide landscape buffer strip may be reduced for the Phase 2 portion with credit for existing landscaping on the property at the west ;
- c. A seven (7) foot high opaque concrete wall with both the interior and exterior sides of the wall given a finished architectural treatment;
- d. Credit may be given for existing vegetation provided it meets current ULDC requirements. (Previously Condition I.1 of Resolution R-99-328, Petition 96-113) (DRO/CO: LANDSCAPE - Zoning)

2.The following landscaping requirements shall be installed along the required wall:

- a. One (1) tree planted on the interior side for each twenty (20) linear feet with maximum spacing of twenty-five (25) feet on center;
- b. One (1) palm or pine tree planted on the exterior side for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location. (Previously Condition I.2 of Resolution R-99-328, Petition 96-113) :CO:LANDSCAPE - Zoning)

3.The following landscaping requirements shall be installed on both the interior and exterior sides of the required wall:

- a. Thirty (30) inch high thorny 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. (Previously Condition I.3 of Resolution R-99-328, Petition 96-113) (CO: LANDSCAPE - Zoning)

PALM TRAN

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter (s) and or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and or Palm Tran. (Previously Condition K.1.a of Resolution R-99-238 Petition 96-113) (DRC: ZONING)

2. Mass transit access, shelters and or bus stops, if required, shall be constructed by

the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificates of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (Previously Condition K.1.b of Resolution R-99-328, Petition 96-113) (CO: MONITORING - Eng)

PDD-TDD

1. To ensure consistency with the site plan dated January 12, 1999 presented to the Board of County Commissioners, no more than twenty (20) percent of the total approved square footage shall be relocated to portions of the site not previously covered. (Previously Condition L.1 of Resolution R-99-328, Petition 96-113) (DRC: ZONING- Zoning)

2. Prior to issuance of the first building permit, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (Previously Condition L.2 of Resolution R-99-328, Petition 9113) (BLDG PERMIT:ZONING - Co Atty)

3. Prior to issuance of the first building permit, the property owner shall record a covenant in the public record indicating that all structures, -uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (Previously Condition L.3 of Resolution R-97-252, Petition 96-1 13) (BLDG PERMIT: ZONING - Co Atty)

PARKING

1.A maximum of 250 parking spaces shall be allowed on site. (Previously Condition M.1 of Resolution R-99-328, Petition 96-113) (DRO: ZONING-Zoning)

2.All proposed delivery andlor loading areas shall be screened from view by a twelve (12) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (Previously Condition M.2 of Resolution R-99-328, Petition 96-113) (CO: BLDG - Zoning)

3.Overnight storage or parking of delivery vehicles or trucks shall nott be permitted on site, except within designated loading and delivery areas (Previously Condition M.3 of Resolution R-99-328, Petition 96-113) (ONGOING: CODE ENF -Zoning)

SIGNS

1.Point of purchase signage 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 - two (2);
- d. Style - monument style only;
- e. Location(s) - Congress Avenue only. (Previously Condition N.1 of Resolution R-99-328, Petition 96-113) (BLDG PERMIT: BLDG - Zoning)

2. Previous Condition N. 2 of Resolution R-1999-328 which states:

Wall signs be limited to only the east (Congress Avenue) facade of the buildings. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted. [Reason: wall signage will be subject requirements pursuant to the Unified Land Development Code (ULDC) Article 8, signage.

SITE DESIGN

1. The maximum height for the two story structure (phase 1) shall not exceed twenty-eight (28) feet and the maximum height for the one story structures (phase 2) shall not exceed eighteen (18) feet, measured from finished grade to highest point. (Previously Condition C.1 of Resolution R-99-328, Petition 96-113) (BLDG PERMIT: BLDG - Zoning)

2. A maximum of three buildings shall be permitted on site. (Previously Condition C. 2 of Resolution R-99-328, Petition 96-113) (DRO: ZONING -Zoning)

USE LIMITATIONS

1. Use of the site shall be limited to 50,000 square feet for medical/dental offices or other permitted type offices that generate comparable or less traffic. Previously Condition O.1 of Resolution R-99-328, Petition 96-1113) (DRO: TRAFFIC/ZONING - Zoning)

2. Office hours open to the public shall not commence prior to 7:00 a.m. nor continue later than 10:00 p.m. daily. Any on-site deliveries or pickups shall occur during the office hours open to the public. (Previously Condition 0.2 of Resolution R-99-328, Petition 96-1113) (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners 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 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)