

RESOLUTION NO. R-2012- 0281

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2011-00404
(CONTROL NO. 1999-00033)
an Official Zoning Map Amendment with a Conditional Overlay Zone (COZ)
APPLICATION OF AS Hagen Ranch LLC
BY Cotleur & Hearing, Inc., AGENT
(Stunkel Medical Office)

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 Z/CA-2011-00404 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 finds that the Zoning Application meets all the standards contained in Article 2.B.1.B for an Official Zoning Map 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 Z/CA-2011-00404, the application of AS Hagen Ranch LLC, by Cotleur & Hearing, Inc., agent, for an Official Zoning Map Amendment to rezone from the Residential Transitional Suburban (RTS) District to the Commercial Low-Office (CL-O) Zoning District with a Conditional Overlay Zone (COZ) 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 in EXHIBIT B, attached hereto and made a part hereof, was approved on February 23, 2012 subject to the conditions described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

The motion was seconded by Commissioner Taylor 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	- Nay
Commissioner Paulette Burdick	- Aye
Commissioner Burt Aaronson	- Aye
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	-

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 March 5, 2012.

This resolution shall not become effective unless or until the effective date of Small Scale Land Use Amendment (SCA 2011-001).

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

Stunkel Medical Office
OVERALL LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN TRACT 40 OF SUBDIVISION OF THE HIATUS BETWEEN TOWNSHIP 44 SOUTH AND TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF (E ½) OF LOT 2 OF SAID TRACT 40; THENCE SOUTH 88°08'56" EAST ALONG THE NORTH LINE OF SAID TRACT 40, BEING ALSO THE CENTERLINE OF STATE ROAD S-812, A DISTANCE OF 1135.0 FEET; THENCE SOUTH 23°18'35" EAST, A DISTANCE OF 44.19 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE ROAD S-812 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 23°18'35" EAST, A DISTANCE OF 376.43 FEET; THENCE SOUTH 89°43'11" WEST, PARALLEL WITH THE SOUTH LINE OF SAID TRACT 40, A DISTANCE OF 283.86 FEET; THENCE NORTH 22°52'52" WEST, A DISTANCE OF 386.75 FEET TO AN INTERSECTION WITH THE SAID SOUTH RIGHT-OF-WAY LINE OF STATE ROAD S-812; THENCE SOUTH 88°08'56" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 285.36 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AN EASEMENT FOR ROAD AND UTILITIES PURPOSES OVER THE WEST 25 FEET THEREOF, AS MEASURED AT RIGHT ANGLES.

LESS AND EXCEPT THE FOLLOWING:

BEING A PORTION OF LAND FOR ADDITIONAL RIGHT-OF-WAY PURPOSES FOR HAGEN RANCH ROAD (OFFICIAL RECORDS BOOK 5298, PAGE 738) IN THE HIATUS IN TOWNSHIP 44-1/2 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PORTION BEING PART OF LOT 1, TRACT 40 OF THE PALM BEACH FARMS COMPANY, PLAT NO. 13, AMENDMENT TO SHEET NO. 4 OF PLAT 3, PALM BEACH COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 6, PAGES 98 AND 99, INCLUSIVE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 44, RANGE 42 EAST; THENCE NORTH 88°32'15" WEST (BEARINGS USED FOR THIS PROJECT AND HEREIN ARE BASED ON PALM BEACH COUNTY SECTIONAL DATA, NORTH-SOUTH MID-SECTION LINE, SECTION 3-45-42, BEARING NORTH 00°47'13" WEST) ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 852.45 FEET; THENCE SOUTH 01°27'45" WEST, A DISTANCE OF 67.00 FEET TO A POINT ON THE SOUTH LINE OF LANTANA ROAD AND THE POINT OF BEGINNING; THENCE SOUTH 23°41'35" EAST, A DISTANCE OF 731.37 FEET TO A POINT WHICH IS 380.31 FEET NORTHERLY OF THE SOUTH LINE OF SAID TRACT 40; THENCE SOUTH 89°19'28" WEST ALONG A LINE WHICH IS PARALLEL WITH THE SOUTH LINE OF SAID TRACT 40, A DISTANCE OF 1.17 FEET; THENCE NORTH 23°51'21" WEST, A DISTANCE OF 732.39 FEET TO A POINT ON THE SOUTH LINE OF LANTANA ROAD; THENCE SOUTH 88°32'15" EAST ALONG SAID LINE, A DISTANCE OF 3.48 FEET TO THE POINT OF BEGINNING.

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

LESS AND EXCEPT THE FOLLOWING:

BEING A PORTION OF LAND FOR ADDITIONAL RIGHT-OF-WAY PURPOSES FOR LANTANA ROAD (C.R. 812) IN THE HIATUS PARCEL IN TOWNSHIP 44-1/2 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PORTION BEING PART OF LOT 1, TRACT 40 OF THE PALM BEACH FARMS COMPANY, PLAT NO. 13,

AMENDMENT TO SHEET NO. 4 OF PLAT 3, PALM BEACH COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 6, PAGES 98 AND 99, INCLUSIVE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 44, RANGE 42 EAST; THENCE NORTH $88^{\circ}32'15''$ WEST (BEARINGS USED FOR THIS PROJECT AND HEREIN ARE BASED ON PALM BEACH COUNTY SECTIONAL DATA, NORTH-SOUTH MID-SECTION LINE, SECTION 3-45-42, BEARING NORTH $00^{\circ}47'13''$ WEST) ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 865.12 FEET; THENCE SOUTH $01^{\circ}27'45''$ WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH LINE OF LANTANA ROAD AND THE POINT OF BEGINNING; THENCE SOUTH $23^{\circ}41'35''$ EAST, A DISTANCE OF 29.83 FEET; THENCE NORTH $88^{\circ}32'15''$ WEST, A DISTANCE OF 173.49 FEET; THENCE NORTH $84^{\circ}43'24''$ WEST, A DISTANCE OF 115.92 FEET; THENCE NORTH $23^{\circ}15'49''$ WEST, A DISTANCE OF 21.24 FEET TO THE SOUTH LINE OF LANTANA ROAD; THENCE SOUTH $88^{\circ}32'15''$ EAST ALONG SAID LINE 285.36 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

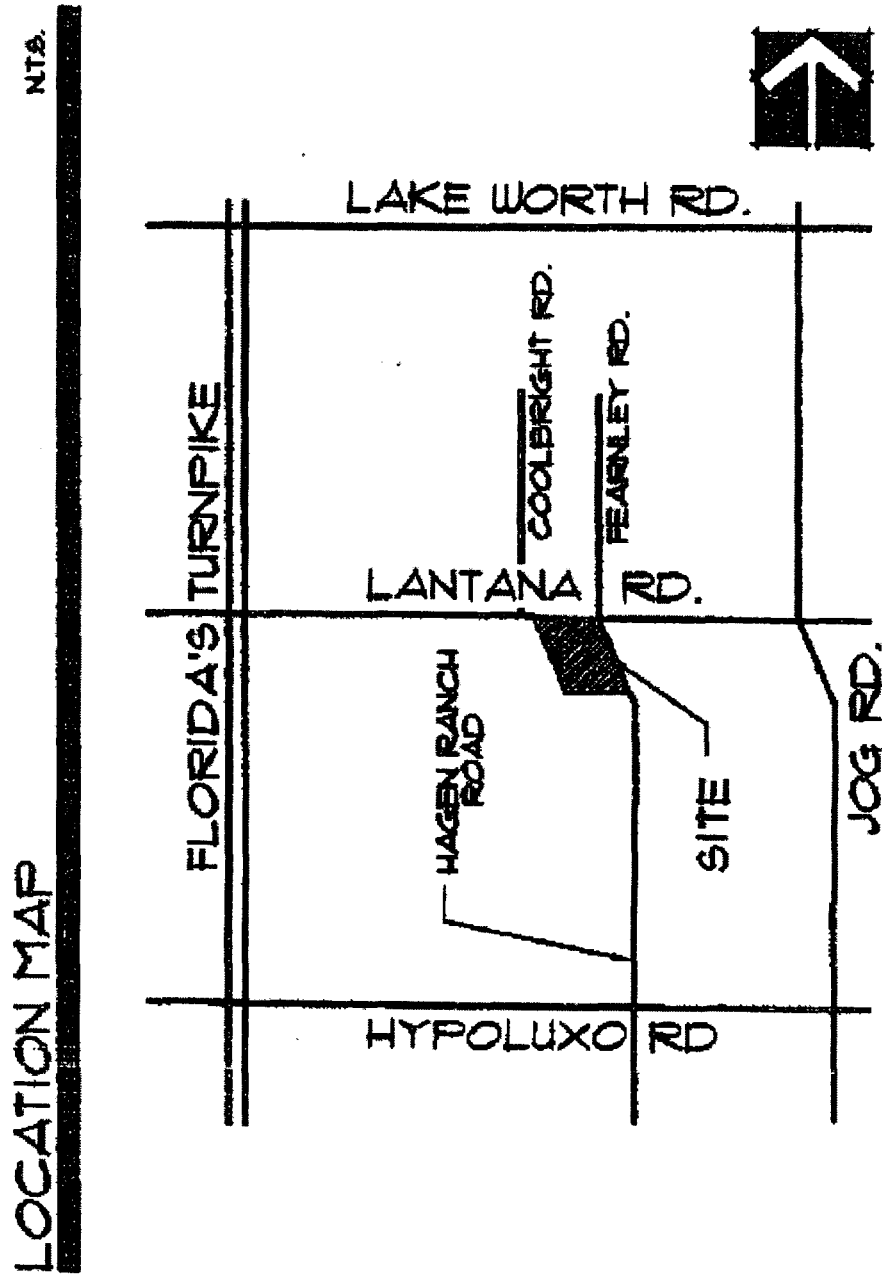


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the use of a Medical, Dental or Professional Office Facility approved by the Board of County Commissioners. Professional Offices may not exceed thirty percent (30%) of the gross floor area. The approved Preliminary Site Plan is dated January 11, 2012. All modifications to the Development Order must be approved by the Board of County Commissioners or Zoning Commission, unless the proposed changes are required to meet Conditions of Approval. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed twenty-five (25) feet. Heights shall be measured from finished grade to highest point. (DRO: ARCH REVIEW - Zoning)

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, 2015. 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. 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 right of way for the expanded intersection at Lantana Road and Hagen Ranch Road, including the corner clip.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear 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, including a topographic survey. The Grantor must further warrant 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 County 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, as determined by the County Engineer. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT/ONGOING: MONITORING-Eng)

3. Prior to issuance of the first building permit the property owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

4. The property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The

project's stormwater management system shall be designed to address any historical drainage. The property owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING-Eng)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (PLAT/BLDG PERMIT: MONITORING-Eng)

5. Prior to the issuance of the first building permit, the property owner shall provide a joint-access easement over the proposed driveway connection to Lantana . This access easement shall extend from the west property line to Lantana Road and shall contain an area as necessary to accommodate access to/from the parcels to the west and south, as determined by the County Engineer. After approval by the County Engineer and County Attorney, the property owner shall record these required easements or related documents in the public records. (BLDG PERMIT: MONITORING-Eng)

6. The Property Owner shall extend the west approach right turn lane on Lantana Road at Hagen Ranch Road to the west property line or as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

7. The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Lantana Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)

c. At property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: ENGINEERING-Eng)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner

may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Lantana Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDG PERMIT: MONITORING -Eng)

LANDSCAPE - GENERAL

1. At time of submittal for final approval by the Development Review Officer, the property owner shall submit a Landscape Plan 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. (DRO: LANDSCAPE - Zoning)

2. All canopy trees along the buffers shall meet the following standards: a. A minimum of sixty (60) percent of the canopy trees shall be fourteen (14) feet in height and the remainder shall be of staggered heights from twelve (12) feet to sixteen (16) feet. (DRO:LANDSCAPE-Zoning)

LANDSCAPE - PERIMETER

3. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (FRONTAGE OF LANTANA ROAD AND HAGEN RANCH ROAD)

In addition to the Code requirements, landscaping and buffering along the north and east property lines shall be upgraded to include:

- a. Buffer width for Hagen Ranch Road shall be a minimum of twenty (20) feet. A maximum of five (5) foot easement encroachment may be permitted;
- b. One (1) additional native palm or pine for each thirty (30) linear feet of the property line; and,
- c. Additional palms or pines shall be planted in clusters of three (3). (DRO:LANDSCAPE-Zoning)

4. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

In addition to the Code requirements, landscaping and buffering along the south and west property lines shall be upgraded to include the following:

- a. One (1) additional pine for each twenty (20) linear feet of the property line. Pines shall be planted in clusters of five (5); and,
- b. Large shrubs shall be Saw Palmetto, and Medium shrubs shall be Coco-plum. (DRO:LANDSCAPE-Zoning)

SIGNS

1. Ground mounted freestanding signs fronting on Lantana Road and Hagen Ranch Road shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. maximum sign face area per side - fifty (50) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only. (BLDG PERMIT: BLDG - Zoning)

SITE DESIGN

1. The minimum setback for all principal buildings and/or accessory structures shall be forty (40) feet from the south property line. (DRO: ZONING - Zoning)

2. The site plan shall be revised to indicate a maximum of fifty-five (55) parking spaces and preserve additional pine trees into the expanded terminal islands. (DRO: Zoning-Landscape)

USE LIMITATIONS

1. Business activities, including deliveries and stocking, shall not commence prior to 7:00 a.m. nor continue business activities later than 9:00 p.m. limited to Monday through Friday only and 9:00 a.m. to 5 p.m. on Saturdays. No Sunday business activities are permitted. (ONGOING: CODE ENF - Zoning)

2. Total gross floor area shall be limited to a maximum of 11,000 Square Feet for Medical, Dental or Professional Office uses. Professional Offices may not exceed thirty percent (30%) of the gross floor area. No further expansion is permitted except subject to Board of County Commissioner approval. (ONGOING: ZONING - 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)