

RESOLUTION NO. ZR-2020- 017

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/PDD-2019-01902
(CONTROL NO. 2006-00011)
TYPE 2 VARIANCE (*CONCURRENT*)
APPLICATION OF Bethesda Health, Inc.
BY Urban Design Kilday Studios, AGENT
(BETHESDA WEST HOSPITAL)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 26, is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ZV/DOA/PDD-2019-01902 was presented to the Zoning Commission at a public hearing conducted on June 4, 2020;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance;

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

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/DOA/PDD-2019-01902 by the Board of County Commissioners;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA/PDD-2019-01902, the Application of Bethesda Health Inc, by Urban Design Kilday Studios, Agent, for a Type 2 Variance to allow one additional Freestanding Sign, on a parcel of land generally described as shown on the legal description 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 June 4, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Caliendo moved for the approval of the

Resolution.

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

Sheri Scarborough, Chair	- Yes
Sam Caliendo, Vice Chair	- Yes
Amir Kanel	- Yes
John Kern	- Yes
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Absent
Jess Sowards	- Yes

Filed with the Palm Beach County Zoning Division on June 23, 2020.

This resolution shall not become effective unless or until the effective date of the resolution approving Zoning Application No. ZV/DOA/PDD-2019-01902 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY:

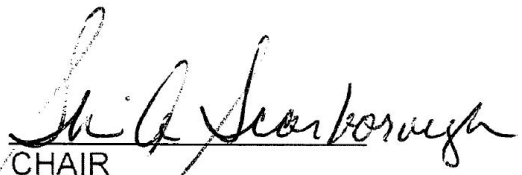

CHAIR

EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION

PARCEL 1

BETHESDA WEST HOSPITAL MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 113 AT PAGE 73 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS TRACTS "RW-1" AND "RW-2".
TOGETHER WITH

PARCEL 2

THAT PART OF TRACT 101, BLOCK 51, THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS IN PLAT BOOK 2, PAGES 45 TO 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 42 EAST, RUN SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 30, 150.0 FEET TO THE CENTERLINE OF BOYNTON WEST ROAD (SR #804); THENCE RUN EASTERLY ALONG THE CENTERLINE OF SAID SR #804, 1019.11 FEET TO A POINT; THENCE RUN NORTHERLY AT AN ANGLE OF 90°00' (TURNED FROM WEST TO NORTH) FROM THE CENTERLINE OF SR #804 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING. FROM THE POINT OF BEGINNING, RUN EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF SR #804, 208.17 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES TO THE SAID RIGHT-OF-WAY LINE OF SR #804, 200.00 FEET TO A POINT; THENCE WESTERLY, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SR #804, 208.17 FEET TO A POINT; THENCE AT AN ANGLE OF 90°00' (TURNED FROM EAST TO SOUTH) WITH THE LAST DESCRIBED COURSE, RUN 200.00 FEET TO THE POINT OF BEGINNING.

AND

THAT PART OF TRACT 101 AND TRACT 102, BLOCK 51, THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS IN PLAT BOOK 2, PAGES 45 TO 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 42 EAST, RUN SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 30, 150.0 FEET TO THE CENTERLINE OF BOYNTON WEST ROAD (SR #804); THENCE RUN EASTERLY ALONG THE CENTERLINE OF SAID SR #804, 1227.28 FEET TO A POINT; THENCE RUN NORTHERLY AT AN ANGLE OF 90°00' (TURNED FROM WEST TO NORTH) FROM THE CENTER LINE OF SR #804 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING. FROM THE POINT OF BEGINNING, RUN EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF SR #804, 217.80 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES TO THE SAID RIGHT-OF-WAY LINE OF SR #804, 200.00 FEET TO A POINT, THENCE WESTERLY, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SR #804, 217.80 FEET TO A POINT; THENCE AT AN ANGLE OF 90°00' (TURNED FROM EAST TO SOUTH) WITH THE LAST DESCRIBED COURSE, RUN 200.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT LAND TAKEN BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 10707, PAGE 61, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 126 STATE ROAD 7 FEE SIMPLE RIGHT OF WAY

A PORTION OF TRACT 101 AND TRACT 102, BLOCK 51, THE PALM BEACH FARMS CO. PLAT NO, 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN

PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 30, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC IN CONCRETE MARKING THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH 89° 02' 01" EAST, A DISTANCE OF 1.308 METERS (4.29 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2524, THENCE SOUTH 00° 57' 59" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 44.080 METERS (144.62 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD) AS SHOWN ON SAID MAP; THENCE NORTH 89° 06' 26" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 231.542 METERS (759.65 FEET); THENCE NORTH 00° 53' 34" WEST AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 12.192 METERS (40.00) FEET TO A POINT ON THE NORTHERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD); THENCE NORTH 89° 06' 26" EAST ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE AND A LINE 12.192 METERS (40.00 FEET) NORTHERLY OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 77.607 METERS (254.62 FEET) TO THE POINT OF BEGINNING; THENCE NORTH 00° 53' 34" WEST A DISTANCE OF 11.658 METERS (38.25 FEET); THENCE NORTH 89° 06' 26" EAST A DISTANCE OF 129.839 METERS (425.98 FEET); THENCE SOUTH 00° 53' 34" EAST, A DISTANCE OF 11.658 METERS (38.25 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 804 (BOYNTON BEACH BOULEVARD); THENCE SOUTH 89° 06' 26" WEST ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE AND A LINE 12.192 METERS (40.00 FEET) NORTHERLY OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 129.839 METERS (425.98 FEET) TO THE POINT TO BEGINNING.

ALL OF SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 2,624,810 SQUARE FEET/60.2573 ACRES, MORE OR LESS.

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

EXHIBIT B

VICINITY SKETCH

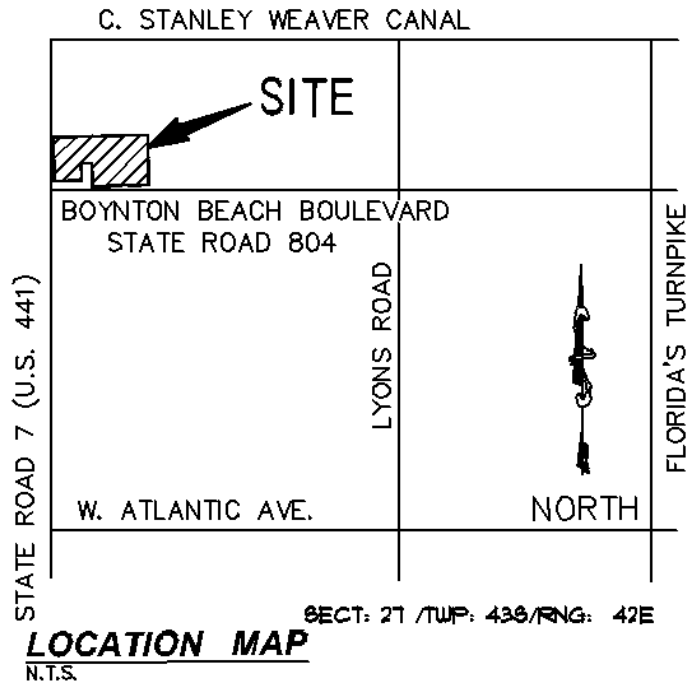


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

VARIANCE

1. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance and any associated Conditions of Approval shall be shown on the Preliminary Site Plan. (DRO/ONGOING: ZONING - Zoning)
2. This Variance is approved based on the layout as shown on the Preliminary Site Plan and Preliminary Master Sign Plan dated March 9, 2020. Only minor modifications by Board of County Commissioners or Development Review Officer shall be permitted provided the changes are consistent with this Preliminary Site Plan. (ONGOING: CODE ENF - Zoning)
3. The Development Order for this concurrent Variance shall be tied to the Time Limitations of the Development Order for ZV/PDD/DOA-2019-01902. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)

COMPLIANCE

4. In Granting this Approval, the Zoning Commission 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 Zoning Commission and/or Board of County Commissioners for review under the compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
5. 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; the 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 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)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

EXHIBIT D

REQUEST

TYPE 2 VARIANCE

ULDC Article	Required	Proposed	Variance
Table 8.G.2.A, Freestanding Sign Standards	Maximum number of freestanding signs per project frontage – 2.	To allow for three (3) free-standing signs along Boynton Beach Boulevard.	To allow for one (1) additional free-standing sign along Boynton Beach Boulevard.