

RESOLUTION NO. R-2000- 0574

RESOLUTION APPROVING ZONING PETITION PDD99-075
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF BLUE GREEN ENTERPRISES
BY KIERAN KILDAY, AGENT
(GOLDEN LAKES CLF (PUD))

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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD99-075 was presented to the Board of County Commissioners at a public hearing conducted on April 27, 2000; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner 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 made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 Petition PDD99-075, the petition of Blue Green Enterprises by Kieran Kilday, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) with a type 3 congregate living facility on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 27, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts 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:

Maude Ford Lee, Chair	-	Aye
Warren Newell, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Carol A. Roberts	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 27, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

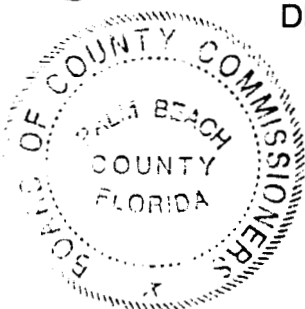


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION: (PROPOSED TRACTS "F" & "H", OKEECHOBEE M.U.P.D.)

COMMENCE AT THE SOUTHWEST CORNER OF PARCEL "W-2" OF **GOLDEN LAKES OFFICE PARK & GOLDEN LAKES PLAZA** AS RECORDED IN PLAT BOOK 34, PAGES 178-180, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°56'30" WEST, ALONG THE WEST LINE OF PARCEL W-2 AND PARCEL 4 OF SAID **GOLDEN LAKES OFFICE PARK & GOLDEN LAKES PLAZA**, A DISTANCE OF 535.40 FEET; THENCE NORTH 45°09'06" EAST, CONTINUING ALONG SAID WEST LINE OF PARCEL 4, A DISTANCE OF 36.02 FEET, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD, SAID SOUTH RIGHT-OF-WAY LINE ALSO BEING THE NORTH LINE OF SAID PARCEL 4; THENCE SOUTH 88°45'18" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE AND SAID NORTH LINE OF PARCEL 4, A DISTANCE OF 1754.65 FEET; THENCE SOUTH 88°45'31" EAST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE AND SAID NORTH LINE OF PARCEL 4, A DISTANCE OF 102.27 FEET; THENCE SOUTH 00°57'31" EAST, ALONG THE EAST LINE OF SAID PARCEL 4, SAID EAST LINE ALSO BEING THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL L-1, A DISTANCE OF 396.55 FEET TO THE **POINT OF BEGINNING:**

THENCE CONTINUE SOUTH 00°57'31" EAST, ALONG THE EAST LINE OF SAID PARCEL 4 AND SAID WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL L-1, A DISTANCE OF 547.85 FEET; THENCE SOUTH 88°57'39" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL L-1, AND ALONG THE SOUTH LINE OF SAID PARCEL 4, A DISTANCE OF 550.78 FEET TO THE WEST LINE OF SAID PARCEL 4; THENCE NORTH 00°56'30" WEST ALONG SAID WEST LINE OF PARCEL 4 A DISTANCE OF 486.23 FEET; THENCE NORTH 35°08'42" WEST A DISTANCE OF 97.84 FEET; THENCE SOUTH 89°12'21" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 605.89 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 308,733 SQUARE FEET, OR 7.0875 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

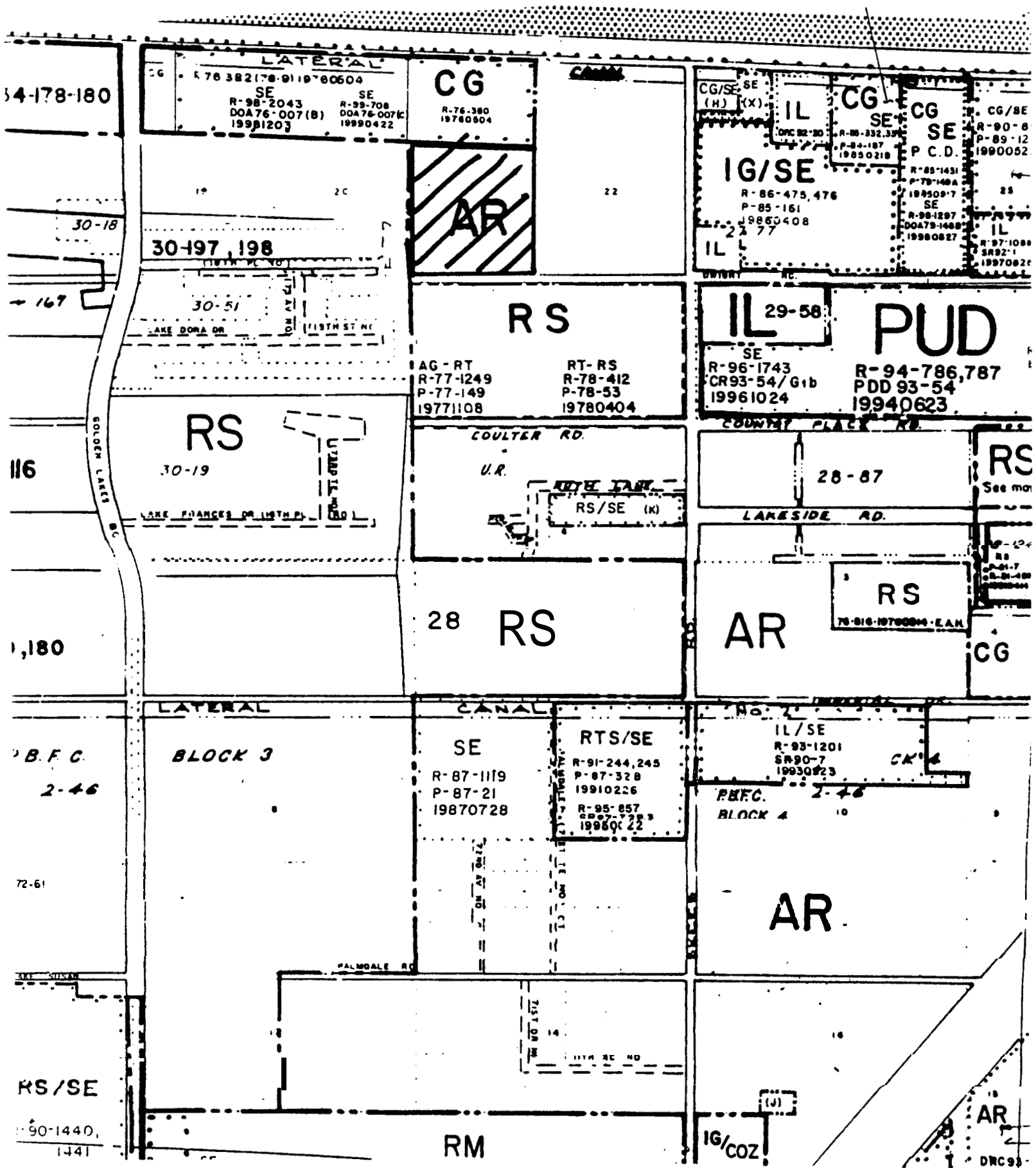


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan and conceptual site plan is dated December 21, 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. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. The proposed residential building(s) shall be designed and constructed to be similar to the facade elevations by Miklos & Associates P.A. Architects/Planners dated January 14, 2000. Modifications to the architectural treatments may be permitted provided all of the following are met:
 - a. The architectural treatments are equal to or an upgrade in aesthetic and performance above the original architectural treatment;
 - b. The architectural treatments are complementary to the existing residences;
 - c. The architectural treatments are approved by the Zoning Review Section of the Zoning Division. (BLDG PERMIT: BLDG - Zoning)
2. Exterior colors shall be neutral, pastel, or earth tone colors and shall be compatible with the adjacent Okeechobee Boulevard MUPD (Petition #76-007) to the north. Building colors shall be varied by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors. (BLDG PERMIT: ZONING)
3. All rooftop mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment (i.e. cupola, dormer, etc.). (BLDG PERMIT: ZONING/BLDG)

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 60,000 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. (DRC: ZONING)
2. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed twenty-five (25) feet, excluding unoccupied decorative architectural elements which are not the major component of the roofing system (i.e. porte cochere, cupola, etc.). These elements may exceed this height requirement up to an overall building height of thirty (30) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

D. ENVIRONMENTAL RESOURCE MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

E. ENGINEERING

1. Prior to issuance of a building permit, the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING - Eng)

F. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: Twelve (12) feet
 - b. Trunk diameter: 2.5 inches measured 3 feet above grade;
 - c. Canopy diameter: Six (6) 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 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (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;
 - b. Clusters: Staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. A group of three (3) or more palm or pine trees may not supersede the requirement for perimeter canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
4. All internal PUD buffers (i.e. along cul-de-sac, etc.) shall be approved by the Development Review Committee (DRC) in accordance with the ULDC, unless otherwise stated herein. (DRC: ZONING)
5. Foundation planting or grade level planters provided along the front and side facades of all structures shall be a minimum overall width of eight (8) feet in addition to the minimum planting and length requirements of the ULDC. (DRC/CO: ZONING/LANDSCAPE)

G. LANDSCAPING ALONG NORTH PROPERTY LINE (ADJACENT TO OKEECHOCREE BOULEVARD MUPD)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip, with no reduction permitted;

- b. A minimum six (6) foot high opaque fence or wall, measured from finished grade. Credit may be given for an opaque existing fence or wall or an existing chain link fence and six (6) foot high hedge installed on the adjacent Okeechobee Boulevard MUPD property;
- c. One (1) canopy tree for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters. A group of three (3) or more palm or pine trees may supersede the requirement for a canopy tree in that location. A maximum fifty (50) percent of the required canopy trees within the buffer may be replaced by the palm or pine tree clusters;
- d. One additional (1) palm for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. Twenty-four (24) inch high shrub or hedge material installed on the interior side of the required fence or wall. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG SOUTH, EAST AND WEST PROPERTY LINES (ACROSS FROM RESIDENTIAL)

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

- a. A minimum twenty (20) foot wide landscape buffer strip with no reduction or encroachment permitted;
- b. A continuous three (3) foot high berm measured from finished grade;
- c. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet between clusters. A group of three (3) or more palm or pine trees may supersede the requirement for a canopy tree in that location. A maximum twenty-five (25) percent of the required canopy trees within the buffer may be replaced by the palm or pine tree clusters;
- d. One (1) additional palm for each twenty-five (25) linear feet of property line with a maximum spacing of fifty (50) feet between clusters; and,
- e. Twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

2. Landscaping and buffering along the east property line across from Pinelake R.V. Park shall include:

- a. A minimum fifteen (15) foot wide landscape buffer strip with no reduction or encroachment permitted;
- b. Continuous two (2) foot high berm measured from finished grade;
- c. Equivalent of one (1) canopy tree planted every twenty (20) feet of linear property line;
- d. Equivalent of one (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of fifty (50) feet on center between clusters; and,
- e. Twenty-four (24) inch high shrub or hedge material, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches on the plateau of the berm. (CO: LANDSCAPE)

I. LIGHTING

1. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point and shall be extinguished no later than 10:00 p.m., excluding security lighting only. (CO/ONGOING: BLDG - Zoning/CODE ENF)

J. MASS TRANSIT

1. A. 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 the County Engineer. (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 certificate of occupancy (CO) for the CLF. 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. (BLDG PERMIT: MONITORING - Eng)

K. PLANNED UNIT DEVELOPMENT

1. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: Formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Att)

2. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a focal point at the terminus of residential access street, cul-de-sac, or nonresidential access way as indicated in the focal point/conceptual site plan exhibit dated December 21, 2000. This focal point shall be pedestrian oriented public areas and shall be in the form of a plaza, fountain, gazebo, accent landscaping, arcade or any other site element or architectural design acceptable to the Zoning Division. (DRC: ZONING)
3. No Flexible Regulations or Administrative Deviations shall be permitted for the PUD. (DRC: ZONING)

4. Any other type of residential use on the site shall be limited to an overall density of 4.0 units per acre. (DRC/ONGOING: PLANNING-Zoning)
5. Prior to building permit issuance for the CLF building, a copy of the recorded plat meeting all applicable BCC conditions shall be submitted to the Building Division as part of the CLF building permit application. (BLDG PERMIT: ZONING/BLDG)

L. SIGNS

1. Freestanding signs, including entrance wall signs, fronting on the PUD entrance along the cul-de-sac shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. Maximum sign face area - 32 square feet total (single-face only);
 - c. Maximum number of signs - one (1); and,
 - d. Style - monument style only. (CO: BLDG)

M. USE LIMITATION

1. Use of the site shall be limited to a Type 3 Congregate Living Facility (CLF) with 135 CLF residents/103 Type 3 CLF units, or any other type of residential use in accordance with the property's previous MR-5 land use category with equal or less traffic generation. (DRC/ONGOING: PLANNING/ZONING - Eng)
2. Construction hours shall not commence prior to 7:00 a.m. or continue later than 7:00 p.m. Monday through Friday and 9:00 a.m. through 5:00 p.m. on Saturday and Sunday. (ONGOING: CODE ENF - Zoning)

N. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING- Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or

- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)