

RESOLUTION NO. R-96-1952

RESOLUTION APPROVING ZONING PETITION CA96-61
CLASS A CONDITIONAL USE
PETITION OF NOAH DEVELOPMENT INC.
BY JOHN BROWN, AGENT
(GLADES PIONEER TERRACE)

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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA96-61 was presented to the Board of County Commissioners at a public hearing conducted on December 2, 1996; 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 CA96-61, the petition of NOAH Development Inc., by John Brown, agent, for a Class A Conditional Use (CA) to allow increase in density within the Glades Economic Overlay (GA-0) District in the Residential High Density (RH) 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 December 2, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on December 2, 1996.

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

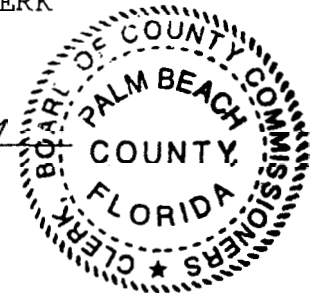


EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER (1/4) OF SECTION 6, TOWNSHIP 44 SOUTH, RANGE 37 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

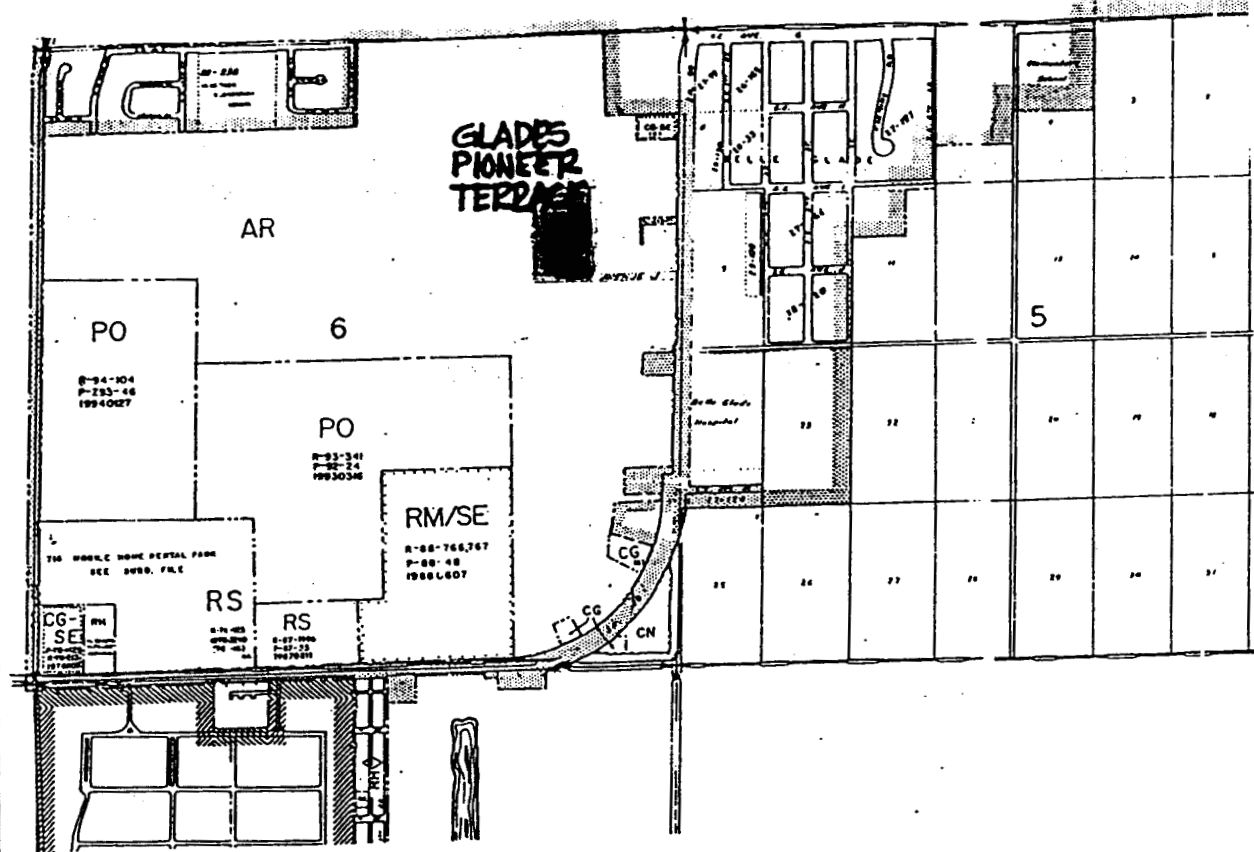
COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 6; THENCE TO THE EAST LINE OF SAID SECTION 6, S01°25'28"W FOR 1979.77 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF THE SAID NORTHEAST QUARTER (1/4); THENCE ALONG THE NORTH LINE OF THE SOUTH ONE-QUARTER (1/4) OF THE SAID NORTHEAST QUARTER (1/4), S89°47'57"W FOR 74.76 FEET TO THE WEST RIGHT-OF-WAY OF STATE ROAD 80 AND TO THE SOUTH BOUNDARY OF A PARCEL OF LAND DESCRIBED IN EXHIBIT "A" OF A WARRANTY DEED TO THE CITY OF BELLE GLADE, RECORDED IN OFFICIAL RECORD BOOK 5693, PAGES 83 THROUGH 85, PALM BEACH COUNTY FLORIDA PUBLIC RECORDS; THENCE: CONTINUE ALONG SAID NORTH LINE OF THE SOUTH ONE-QUARTER (1/4) AND ALONG SAID ~~SOUTH~~ BOUNDARY, S89°47'57"W FOR 504.64 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF THE SAID NORTHEAST QUARTER (1/4); THENCE ALONG THE EAST LINE OF THE WEST ONE-HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER, CONTINUING ALONG SAID SOUTH BOUNDARY, N01°26'21"E FOR 1.00 FOOT; THENCE PARALLEL WITH THE SAID NORTH LINE OF THE SOUTH ONE-QUARTER (1/4) OF THE NORTHEAST QUARTER, CONTINUING ALONG SAID SOUTH BOUNDARY, S89°47'57"W FOR 659.40 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER (1/4) OF THE SAID NORTHEAST QUARTER; THENCE DEPARTING SAID SOUTH BOUNDARY, CONTINUE N00°45'21"W FOR 00.00 FEET TO A LINE LYING 81.00 FEET NORTH OF AND PARALLEL WITH THE SAID NORTH LINE OF THE SOUTH ONE QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4); THENCE ALONG SAID PARALLEL LINE N89°47'57"E FOR 72.00 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUE ALONG SAID PARALLEL LINE N89°47'57"E FOR 424.85 FEET TO A LINE LYING 750.00 FEET WEST OF AND PARALLEL WITH SAID WEST RIGHT-OF-WAY OF STATE ROAD 80; THENCE ALONG SAID PARALLEL LINE, N01°29'33"E FOR 695.70 FEET TO A LINE LYING 776.70 FEET NORTH OF AND PARALLEL WITH THE SAID NORTH LINE OF THE SOUTH ONE-QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4); THENCE ALONG SAID PARALLEL LINE, S89°47'57"W FOR 452.14 FEET TO A POINT; THENCE LEAVING SAID PARALLEL LINE S00°45'21"E FOR 695.42 FEET TO THE POINT OF BEGINNING.

BEARING BASIS: S01°25'28"W ALONG THE EAST LINE OF SECTION 6.
AREA: 7.0001 ACRES, MORE OR LESS,

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition Number: 96-61
Zoning Quad Page _____
Date: 11/1/46



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 site plan is dated September 27, 1996. 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. LANDSCAPING - STANDARDS

1. **All** canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet 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. (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; and
 - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
 - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

C. LANDSCAPING ALONG EAST AND SOUTH PROPERTY LINES

1. Landscaping and buffering along the east and south property lines shall be upgraded to include:
 - a. a minimum twenty five (25) foot wide landscape buffer strip;
 - b. one (1) canopy tree planted every twenty (20) feet on center;
 - c. one (1) palm or pine tree for each thirty (30) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not be substituted for a perimeter canopy tree;
 - d. all trees and palms shall be installed alternating on both sides of the proposed six foot fence. (DRC / CO: ZONING / LANDSCAPE)

2. Along the interior side of the proposed fence, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of forty-eight (48) inches. (DRC / CO: ZONING / LANDSCAPE)

D. MASS TRANSIT

1. A. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate 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 or Palm Tran. (DRC: ZONING)

B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner within three (3) years (December 2, 1999) in a manner and location acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate the requirement for mass transit access and/or bus shelters, if requested by the County Engineer. Mass transit access shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, and a bicycle rack. (DATE: MONITORING - Eng)

E. ENGINEERING

No Engineering conditions.

F. USE LIMITATION

1. Prior to final Development Review Committee, the property owner shall record a deed restriction or restrictive covenant, subject to the approval of the County Attorney, limiting the project to a Retirement Community. (DRC: CO ATTORNEY - Zoning)

G. COMPLIANCE

1. 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; 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.

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)