

RESOLUTION R-97- 2091

RESOLUTION AMENDING RESOLUTION R-97-1596
RESOLUTION APPROVING ZONING PETITION OF STRATEGIC INVESTMENTS
PETITION PDD97-69

WHEREAS, Strategic Investments, petitioned the Palm Beach County Board of County Commissioners on October 23, 1997 for Official Zoning Map Amendment Rezoning from Agricultural Residential (AR) to Planned Unit Development (PUD) with Congregate Living Facility, Type 3 (requested use); and

WHEREAS, Resolution R-97-1596, adopted on October 23, 1997 confirming the action of the Board of County Commissioners inadvertently contained errors in Exhibit C; and

WHEREAS, Exhibit C of Resolution R-97-1596 should have read as shown on attached Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Exhibit C of Resolution R-97-1596 is hereby amended.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Newell, 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	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared the resolution was duly passed and adopted on December 4, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara C. [Signature]*
COUNTY ATTORNEY

BY: *Joan Hawley [Signature]*
DEPUTY CLERK

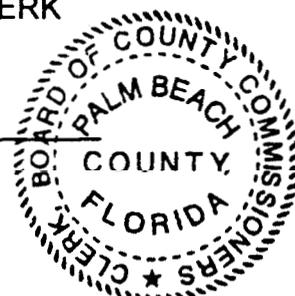


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master plan is dated August 29, 1997. 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. **All** buildings and structures shall be designed and constructed to be compatible with the general architectural character of the surrounding residential areas. Compatibility may be accomplished by using a minimum of three (3) of the following:
 - a. similar materials for the building facades;
 - b. similar architectural details and features on the building elevations (i.e. louvers, decorative banding, pilasters or columns, loggia, etc.;
 - c. similar colors; or,
 - d. similar roof materials and treatment (i.e. pitched roof, dormers, etc.). (BLDG PERMIT: BLDG-Zoning)
2. The architectural design in the color rendering and conceptual site plan (Homewood Residence) by Earl Swensson, Architect, dated August 29, 1997 for the rendering and October 15, 1997 for the site plan, shall be used as a reference and may not be altered unless the proposed changes are required to meet or exceed conditions of approval. (BLDG PERMIT : BLDG - Zoning)
3. An overall unified image shall be created within the site by the use of common building elements such as consistent forms, colors, architectural details and landscape materials for all the buildings. (BLDG PERMIT : BLDG - Zoning)
4. Similar architectural character and treatment shall be provided on all sides of the building. (BLDG PERMIT : BLDG - Zoning)
5. Details on all sides of the building shall be repeated and be made to appear functional and realistic (i.e. window and door trims, louvers, vents, pilasters, etc.). (BLDG PERMIT : BLDG - Zoning)
6. All building entries shall be easily identifiable. Entries shall be integrated into the building architecture. Exterior stairs shall be designed to provide shelter from inclement weather. (BLDG PERMIT : BLDG - Zoning)
7. **All** roof top mechanical and electrical equipment shall be screened from view so as not to be visible from any property line. The equipment shall be completely screened by pitched roofs, as shown on the Alternative #1 site plan dated October 15, 1997 by Earl Swensson, Architect. (BLDG PERMIT: BLDG - Zoning)

8. Interior and exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (BLDG PERMIT: BLDG - Zoning)

C. SITE AND BUILDING DESIGN

1. The CLF shall be limited to a maximum of 53,241 square feet. Gross floor area may be increased an additional 5% or up to 1,000 square feet, whichever is less, subject to Development Review Committee (DRC) approval. (DRC: ZONING)
2. The CLF shall be limited to a maximum height of forty-five **(45)** feet, measured from finished grade to the highest point. (BLDG PERMIT: BLDG - Zoning)
3. The minimum setbacks for the all buildings and canopies from the north, east and west property lines shall be as follow. The setback shall vary depending on the building height. All heights shall be measured from finished grade to the highest point:
 - a. a minimum of fifty-five (55) feet for all structures over thirty-five (35) feet;
 - b. a minimum of forty **(40)** feet for all structures below thirty-five (35) feet; and,
 - c. a minimum of thirty-five (35) for all canopies, porte-cocheres, or awnings **which** are attached to the buildings and not exceeding twenty (20) feet in height. (BLDG PERMIT: BLDG - Zoning)
4. **All** ground mounted 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 principle structure or equivalent landscape material. (CO: BLDG - Zoning)
5. **All** areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within one hundred and fifty (150) feet of the north, east and west property lines and shall be confined to the areas designated on the site plan. (DRC/ONGOING: ZONING/CODE ENF)
6. Buildings exceeding one-story shall not be located on the north two hundred (200) feet of the property. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)

D. 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: 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; 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 for non-native palms and ten (10) feet clear trunk for native. Trunks of all required native palms shall be bootied;
 - b. Clusters: staggered heights ten (10) to eighteen (18) for native palms and twelve (12) to eighteen (18) feet for non-native palms; 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 or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

- 1. Prior to issuance of a building permit the property owner shall convey a roadway construction easement to Palm Beach County at the Projects Entrance Road. Construction by the applicant within this easement shall conform to Palm Beach County Standards. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)

F. LANDSCAPE - INTERIOR

- 1. Foundation planting areas shall be provided along all facades of all structures. The minimum width of the required landscape islands shall be five (5) feet. The combined lengths of the required landscape areas shall be no less than 40% of the total length of the applicable side of the structure. **All** required landscape areas shall be planted with a minimum of one (1) tree or palm every 20 linear feet and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

G. LANDSCAPING ALONG THE NORTH, EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the north, east and west property lines shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip. No reductions are allowed;
 - b. A six (6) foot high black vinyl coated chain link fence, setback a minimum of five (5) feet from the property line and,
 - c. Alternating on each side of the fence shall be thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a height of six (6) feet six (6) inches. (CO: LANDSCAPE)
- 2. In addition to the alternating shrub and hedge material as indicated above, one (1) canopy tree planted every twenty (20) feet on center shall be installed on the exterior side of the required fence. (CO: LANDSCAPE)
- 3. In addition to the alternating shrub and hedge material as indicated above, one (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center shall be installed on the interior side of the required fence. (CO: LANDSCAPE)

H. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING YAMATO ROAD)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. A minimum one (1) to three (3) foot high undulating berm, with an average height of two (2) feet, measured from the top of the curb;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of frontage; and,
 - e. Thirty (30) 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. (CO: LANDSCAPE)

I. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting fixtures, including wall mounted lights, shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)
5. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG -Zoning)

J. SIGNS

1. Freestanding signs, including entrance wall signs, fronting on Yamato Road shall be limited as follow:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area per side - 32 square feet;
 - c. Maximum number of signs - one (1) located outside the median and within fifty (50) feet of the entrance; and,
 - d. Style - monument style only. (CO: BLDG)

K. USE LIMITATIONS

1. The CLF shall be limited to a maximum of seventy-eight (78) residents. (DRC: BLDG/HEALTH - Zoning)
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. No construction activities permitted on Sunday. (ONGOING: CODE ENF - Zoning)

3. Deliveries, other than emergency medical supplies or services shall not be allowed to the site prior to 7:00 a.m. nor continue later than 6:00 p.m. Monday through Friday and 9:00a.m. through 5:00 p.m. on Saturday. No deliveries on Sunday except for medical emergency provisions. (ONGOING: CODE ENF - Zoning)

L. 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 noncompliance, 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)