

RESOLUTION NO. R-98-735

RESOLUTION APPROVING ZONING PETITION PDD96-115(A)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF L G VENTURES INC.
BY RICHARD CARLSON, AGENT
(L&G ACLF)

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 PDD96-115(A) was presented to the Board of County Commissioners at a public hearing conducted on May 28, 1998; 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) 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) 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) 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) 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 PDD96-115(A), the petition of LG Ventures Inc. by Richard Carlson, agent, for an Official Zoning Map Amendment rezoning from Agricultural Residential (AR) to Residential Planned Unit Development (PUD) with a requested use for a Congregate Living Facility Type 3 (CLF Type 3) 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 May 28, 1998, 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 Lee 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	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 28, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Pauline Allen*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK

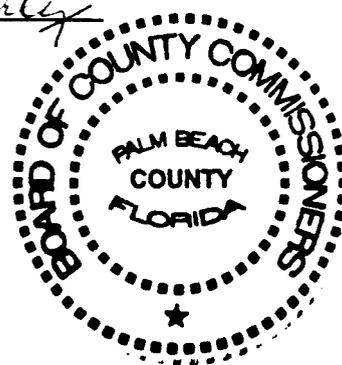


EXHIBIT A

LEGAL DESCRIPTION

PETITION 96-115(A)
LEGAL DESCRIPTION OF
L & G ADULT CONGREGATE LIVING FACILITY
E. SIDE JOG ROAD APPROX. 2500 FEET S OF HYPOLUXO

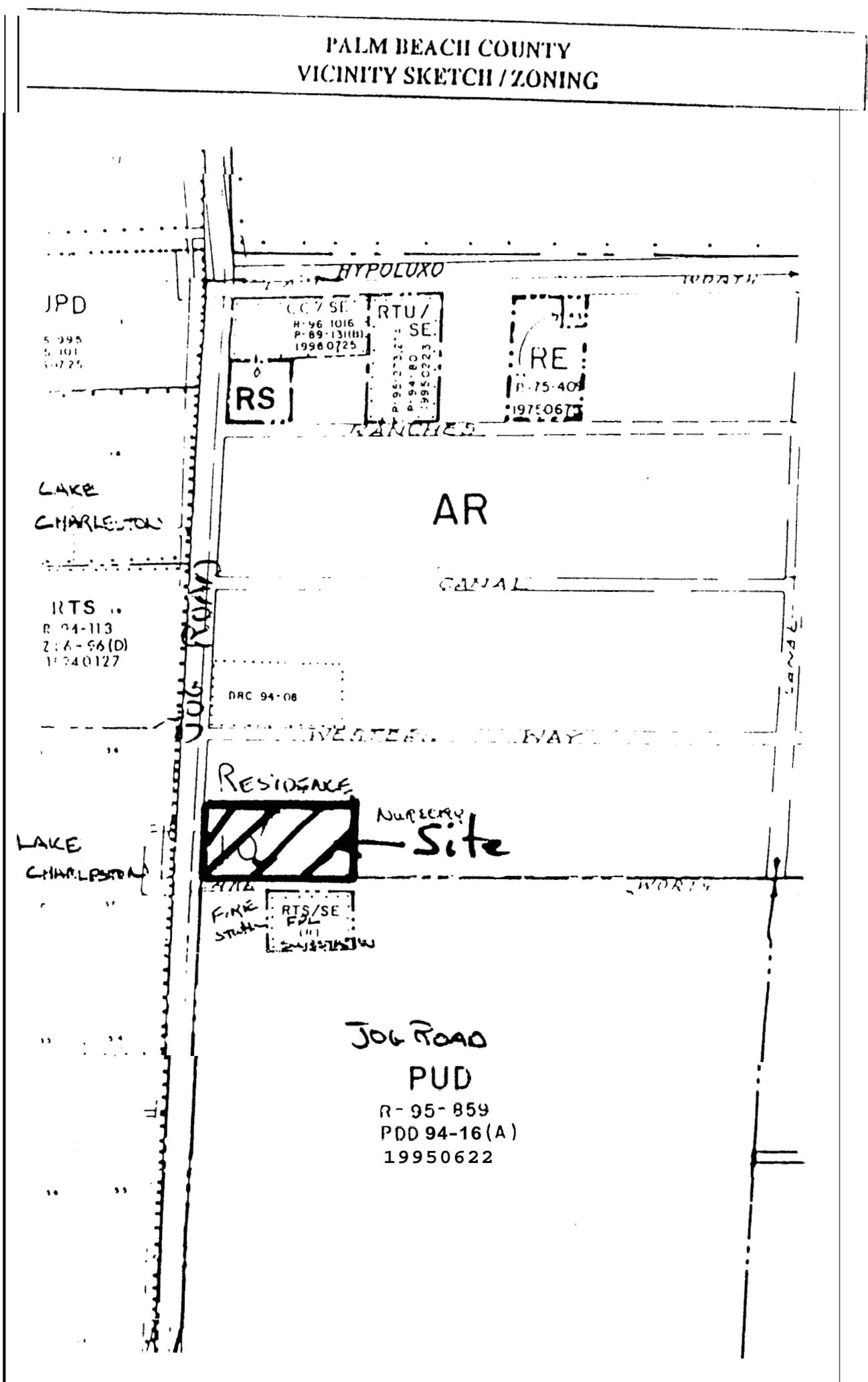
A parcel of land located in Palm Beach County, Florida, described as:

Lot 8, Block 4, Palm Beach Ranches, an unrecorded subdivision of the Northeast quarter (NE 1/4) of Section 10 and the Northwest quarter (NW 1/4) of Section 11, Township 45 South, Range 42 East, Palm Beach County, Florida, also described as follows:

South half (S 1/2) of the Southwest quarter (SW 1/4) of the Southwest quarter (SW 1/4) of the Northeast quarter (NE 1/4) of Section 10, Township 45 South, Range 42 East, less the west forty feet (40') thereof. Also less that portion for right-of-way described as:

Commencing at the center of said Section 10; thence along the East-West quarter section line of said Section 10, N89 degrees 52' 20" East, a distance of 40.08 feet to the intersection of a line parallel with and 40 feet Easterly from the North-South quarter section line of said Section 10 and the point of beginning. Thence continue N 89 degrees 52' 20" East, a distance of 20.03 feet; thence N 03 degrees 20' 56" East, a distance of 219.11 feet; thence N 02 degrees 13' 12" East, as distance of 123.17 feet to a point in the North line of said South half (S 1/2); thence along said North line S 89 degrees 47' 53" West, a distance of 17.60 feet to a point on said parallel line S 03 degrees 20' 56" West, a distance of 342.39 feet to the point of beginning. Said North-South quarter section line bears N 03 degrees 20' 56" East (1972 Free Adjusted Datum) and all bearings shown are relative thereto.

PALM BEACH COUNTY VICINITY SKETCH / ZONING



	Petition Number: <u>96-115 A</u>	 NORTH
	Zoning Quad Page _____	
	Date: <u>1/30/98</u>	

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 February 26, 1998. 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. CONGREGATE LIVING FACILITY

1. The CLF shall be limited to a maximum of 79,128 square feet. Gross floor area may ~~be~~ increased an additional 5% up to 1000 square feet, whichever is less, subject to Development Review Committee (DRC) approval. (DRC: ZONING)
2. The CLF shall be limited to three stories with a maximum height of 35 feet. (BLDG PERMIT: BLDG - Zoning)
3. The CLF shall be limited to a maximum of ninety-seven (97) Type 3 beds. (DRC: BUILDING / HEALTH -Zoning)
4. ~~All~~ 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)

C. LANDSCAPING - STANDARD

1. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet. (50% of required trees)
 - 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. (CO: LANDSCAPE - Zoning)
2. **All** palms planted on site in compliance with this approval shall meet the following minimum standards at time of 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)

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

D. LANDSCAPING ALONG THE NORTH, SOUTH AND EAST PROPERTY LINE:

1. Landscaping and buffering along the north, south and east property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty (20) linear feet with a maximum spacing of thirty (30) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - d. 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 forty-eight (48) inches. (CO: LANDSCAPE)

E. ENGINEERING

1. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS
 - A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Jog Road rights-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property Owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
 - B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property **Owner's** Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORIFIG - Eng)

F. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING JOG ROAD)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum twenty-five (**25**) foot wide landscape buffer strip;
 - b. a minimum two to four foot high undulating berm with an average height of three (3) feet measured from the top of curb;
 - c. One (1) canopy tree planted for every twenty-five (25) feet with a maximum spacing of thirty (30) feet on center;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - e. Thirty (30) inch high shrub or hedge material installed on the plateau of the berm, 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)

G. 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 shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)

H. PLANNING

1. Prior to final master plan certification by the Development Review Committee (DRC), the applicant shall depict where internal pedestrian and bicycle pathways are located. (DRC: PLANNING)
2. The use of the property shall be restricted to a Congregate Living Facility. (DRC/ONGOING: PLANNING-Zoning)
3. The buildings shall be limited to **35** feet in height. (BLDG PERMIT: BLDG-Planning-Zoning)

I. 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)



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JUSTHY H. WILKIN, CLERK
OFFICE OF COMM. P. B. CO.
FINANCE

Department of Planning,
Zoning & Building
100 Australian Avenue
West Palm Beach, FL 33406
(561) 133-5000
<http://www.co.palm-beach.fl.us>

INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING

TO: Willa Oswalt, Minutes Clerk
FROM: L. Martin Hodgkins, Zoning Director *LMH*
DATE: June 30, 1998
RE: Amended Conditions from the May 28, 1998 BCC

**Palm Beach County
Board of County
Commissioners**

- Burt Aaronson, Chairman
- Maude Ford Lee, Vice Chair
- Karen Tharcus
- Carol A. Roberts
- Warren H. Newell
- Mary McCarty
- Ken L. Foster

County Administrator
Robert Weisman PE

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on May 28, 1998.

The following petitions were amended:

- | | |
|--------------|------------------------------|
| PDD96-115(A) | L&G ACLF |
| PDD97-118 | ADDISON PLACE |
| DOA80-187(F) | TRINITY CHURCH |
| PDD97-116 | BRISTOL POINT PUD |
| PDD97-104(1) | RAINBOW PUD |
| PDD97-104(3) | RAINBOW PUD-SUNSHINE MEADOWS |
| DOA90-04(A) | HERNANDEZ TRUCK RENTAL |
| DOA97-72(A) | THOROUGHbred LAKES ESTATES |
| DOA91-47(A) | HAGEN RANCH COMMERCE CENTER |

Please contact me at 233-5234 if you have any questions.

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