

RESOLUTION NO. R-98- 1316

RESOLUTION APPROVING ZONING PETITION PDD98-10
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF RON TURNER
BY ROBERT BENTZ, AGENT
(TURNER MUPD)

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 PDD98-10 was presented to the Board of County Commissioners at a public hearing conducted on August 27, 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 PDD98-10, the petition of Ron Turner by Robert Bentz, agent, for an Official Zoning Map Amendment to Planned Development District (PDD) Rezoning from AR to MUPD with Congregate Living Facility Type 3 (requested use) and Medical Office, 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 August 27, 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	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on August 27, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNW ATTORNEY

BY:


DEPUTY CLERK

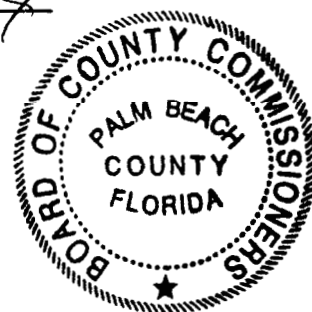


EXHIBIT A
LEGAL DESCRIPTION

PARCEL' 1

THE NORTH 348.53 FEET OF THE SOUTH 373.53 FEET OF THE EAST HALF
(E. 1/21 OF THE NORTHEAST QUARTER (N.E. 1/41 OF THE NORTHEAST
QUARTER (N.E. 1/4) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42
EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 40.0 FEET.

5.00 ACRES +/-

PARCEL 2

THE EAST HALF (E. 1/21 OF THE NORTHEAST QUARTER (NE 1/41 OF THE
NORTHEAST QUARTER (NE 1/41 OF SECTION 27, TOWNSHIP 45 SOUTH,
RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. LESS THE SOUTH
373.53 FEET THEREOF AND LESS THE RIGHT OF HAY DEEDED TO PALM
BEACH COUNTY RECORDED IN ORB. 6395. PAGE 1037 OF THE PUBLIC
RECORDS OF PALM BEACH COUNTY, FLORIDA.

12.095 ACRES +/-

EXHIBIT B

VICINITY SKETCH

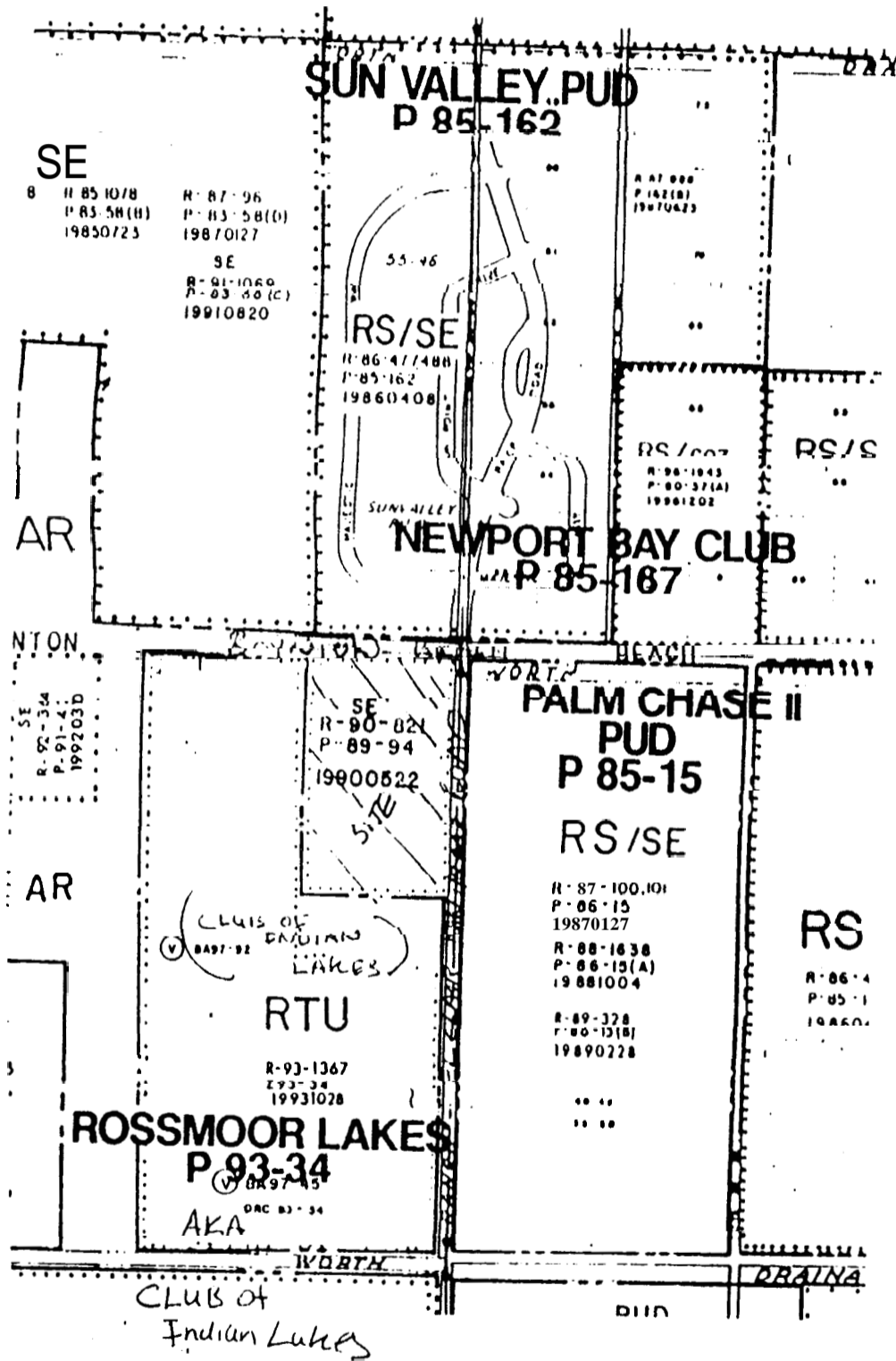


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Resolution R-90-821, granting approval of Petition 89-94, is hereby revoked. (MONITORING)
2. 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 June 24, 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 240,956 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 minimum of 200 beds and a maximum of 342 Type III CLF beds. (DRC: BUILDING / HEALTH - Zoning/ Planning)

C. HEALTH

1. Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Chapter 10D-104FAC. (ONGOING: HEALTH/CODE ENF)

D. LANDSCAPING - STANDARD

1. All palms required to be planted on site by this approval, except on individual residential lots, 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)
2. The building setbacks shall be measured from the interior of the 25 foot buffer line. (DRC: LANDSCAPE-Planning)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a 10 foot temporary roadway construction easement along El Clair Ranch Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
2. The Property owner shall construct a left turn lane south approach on El Clair Ranch Road at the projects entrance road.

- a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
- a. Building Permits for no more than 342 ACLF beds shall be issued until the contract is awarded for the 6 laning of Jog Road from Boynton Beach Boulevard to Woolbright Road. (Maximum 783 daily project trips) (BLDG PERMIT: MONITORING-Eng)
 - b. Building permits for no more than 342 ACLF beds and 29,250 sf of medical office shall be issued until a contract for construction has been awarded for a south approach right turn lane and west approach right turn lane at the intersection of Jog Road and Boynton Beach Boulevard plus the appropriate paved tapers. (Maximum 1660 daily project trips)
 - c. Building permits for no more than 342 ACLF beds and 38345 sf of medical offices shall be issued until construction commences on the 6 laning of Boynton Beach Boulevard from Jog Road to Hagen Ranch Road. (Maximum 1970 daily project trips) (BLDG PERMIT: MONITORING-Eng)
 - d. Building Permits for no more than 342 ACLF beds and 39,200 square feet of medical office shall be issued until construction has begun for one of the following alternative improvements at the intersection of El Clair Ranch Road and Boynton Beach Boulevard plus the appropriate paved tapers: (Maximum 2000 daily project trips) (BLDG PERMIT: MONITORING-Eng)
 - 1. right turn lane, north approach
right turn lane, south approach
right turn lane, west approach

or

 - 2. dual left turn lanes, east approach
dual left turn lanes, west approach
right turn lane, west approach
4. The mix of allowable Uses as permitted by the Zoning Division, listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (REVISED TRAFFIC STUDY: MONITORING-Eng)

5. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- 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 Boynton Beach Boulevard road right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, 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. (ELDGMONITORING - Eng)
- b. All required median landscaping, including an irrigation system 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 prior to the issuance of a certificate of occupancy. (COMONITORING - Eng)
- c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDGMONITORING - Eng)

6. TPS Requirements:

Unless assured by others prior to April 24, 1999 the Property owner shall fund the construction and construction plans for Condition 3.c and 3.d above plus the appropriate paved tapers. Funding amount for this construction shall be approved by the County Engineer based upon an approved cost estimate by the Developers Engineer. Funding shall be completed on or before April 24, 1999. (DATE/MONITORING-Eng)

7. The property owner shall obtain from the LWDD additional right of way to be conveyed to Palm Beach County Land Development Division by road right-of-way warranty deed an additional 12 feet of right of way for the construction of a right turn lane along Boynton Beach Boulevard along the projects' entire frontage. Right of way shall be conveyed on or before March 1, 1999 or prior to the issuance of the first Building Permit whichever shall first occur.

This additional right of way shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)

8. The Property owner shall construct a pedestrian pathway along the west right of way of El Clair Ranch Road from Boynton Beach Boulevard to the projects south property line.
 - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

F. LANDSCAPING ALONG THE PERIMETER OF THE SITE (ACROSS FROM RESIDENTIAL (AND ABUTTING BOYNTON BEACH BOULEVARD AND EL CLAIR RANCH ROAD))

1. Landscaping and buffering along the north, south, east, and west perimeter of the site (except for 320 feet along the north portion of the west property line) shall 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 top of curb;
 - c. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - d. One (1) palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palm or pine trees may be substituted for 25% of the perimeter canopy trees; and,
 - e. Twenty four (24) inch high shrub or hedge material installed along the on the plateau of the undulating 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)

G. LANDSCAPING - WEST PROPERTY LINE

1. Prior to final site plan approval by the DRC the petitioner shall amend the plan to include a six (6) foot wall along 320 feet of the north portion of the west property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (DRC / CO: ZONING / LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. One (1) canopy tree planted every twenty (20) linear feet;
 - b. One (1) palm or pine tree for each twenty-five (25) linear feet, with a maximum spacing of sixty (60) feet on center between clusters. A group of three or more palm or pine trees may supersede the requirement for 25% of the canopy trees in that location; and
 - c. 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)
3. Along the interior side of the required wall, 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 thirty-six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING - INTERIOR

- 1. Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of the applicable exterior side of the structure; and,
 - c. Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

I. ENVIRONMENTAL RESOURCES MANAGEMENT

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

J. MASS TRANSIT

- 1. 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 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 Palm Tran, and County Engineer prior to **issuance of the first certificate of occupancy (CO)**. 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. MUPD

1. Total gross floor area of the professional office and medical clinic shall be limited to a minimum of 20,000 square feet and a maximum of 60,000 square feet. (DRC: ZONING - Planning)
2. The maximum height for all structures, including all air conditioning and mechanical equipment, shall be limited to two stories with a maximum height of twenty-five (25) feet as measured from the roof eaves. (BLDG PERMIT: BLDG - Zoning/Planning)
3. To ensure consistency with the site plan dated June 24, 1998, presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: **ZONING**)
4. All residential uses shall remain in Pod A and commercial uses shall remain in Pod B, as indicated on the preliminary development plan approved by the Board of County Commissioners (exhibit dated June 24, 1998). (DRC: **ZONING/Planning**)
5. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)
6. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att/ Planning)
7. Prior to final site plan approval by the DRC the site plan shall be amended to correctly reflect the right turn lane on to El Clair Ranch Road, LWDDL 24 canal, off-site landscaping and sidewalks and property boundary along the north property line adjacent to Boynton Beach Boulevard. (DRC: **ZONING - Co Att**)

I. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the applicant shall meet with the Planning Division to determine whether this site plan conforms with those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated June 24, 1998. (DRC: PLANNING)

2. Prior to final site plan approval, the development shall include a **land: capped pathway/sidewalk** system along Boynton Beach Boulevard and El Clair Ranch Road in order to provide shade/canopy for the pedestrian walkway. (DRC: LANDSCAPE-Planning)
3. The access on El Clair Ranch Road shall be limited to one ingress/egress. (DRC: ENGINEERING-Planning)

M. SIGNS

1. Freestanding point of purchase signs fronting on Boynton Beach Boulevard shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 150 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
2. Freestanding signs fronting on El Clair Ranch Road shall be limited as follows:
 - 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); and
 - d. Style - monument style only. (CO: BLDG)
3. Wall signs shall be permitted on the north and east facades only (away from residential) (CO: BLDG)
4. Prior to final DRC approval the petitioner shall receive a waiver from the LWDD for signage in the L-24 easement or signs shall be relocated out of the easement. (DRC: LWDD - Bldg Permit)

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 standard! 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 ULOC, 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)



SEP 15 1998

Department of Planning,
Zoning & Building

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

100 Australian Avenue
West Palm Beach, Florida 33411

Phone: 561-836-2100

TO: Willa Oswalt, Minutes Clerk

FROM: L. Martin Hodgkins, Zoning Director

DATE: September 3, 1998

RE: Amended Conditions from the August 27, 1998
and September 1, 1998 BCC

Palm Beach County
Board of County
Commissioners

100 Australian Avenue

West Palm Beach, Florida 33411

Karen J. Martin

Carol A. Roberts

Warren H. Newell

Mary Mallory

Ken L. Foster

County Administrator

Bob W. Maguire, Jr.

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on August 27, 1998. The following petitions were amended:

- | | |
|--------------|----------------------------|
| DOA96-85A | RECIO REZONING |
| CA97-110 | AL PACKER FORD USED TRUCKS |
| DOA95-02(A) | BONVIE MUPD - BURDINES |
| PDD98-13 | MILITARY & LANTANA MUPD |
| Z98-42 | SOUTHERN RETAIL |
| CA98-43 | MERKERT FAMILY MAUSOLEUM |
| PDD98-10 | TURNER MUPD |
| DOA81-152(D) | BOYNTON TRAIL CENTRE |

The conditions of this resolution are true and correct and reflect the changes approved by the Board of County Commissioners on September 1, 1998. The following petition was amended:

- | | |
|---------|------------------|
| CA98-34 | COUNTRY PURSUITS |
|---------|------------------|

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

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