

RESOLUTION NO. R-2004-0004

RESOLUTION APPROVING ZONING PETITION DOA1998-046A
DEVELOPMENT ORDER AMENDMENT
PETITION OF PLACE OF HOPE, INC.
BY BOOSE CASEY CIKLIN LUBITZ MARTENS MCBANE O'CONNELL, AGENT
(PLACE OF HOPE 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA1998-046A was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2004; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, 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 Development Order Amendment, 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 DOA1998-046A, the petition of Place of Hope, Inc., by Boose Casey Ciklin Lubitz Martens McBane O'Connell, agent, for a Development Order Amendment to modify/delete conditions of approval 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 8, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	- Aye
Tony Masilotti, Vice Chairman	- Aye
Jeff Koons	- Absent
Warren H. Newell	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Addie L. Greene	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 8, 2004.

Filed with the Clerk of the Board of County Commissioners on 2 day of February, 2004.

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

ALL OF THE PLAT OF PLACE OF HOPE, RECORDED IN PLAT BOOK 91, PAGE 59
AND 60, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

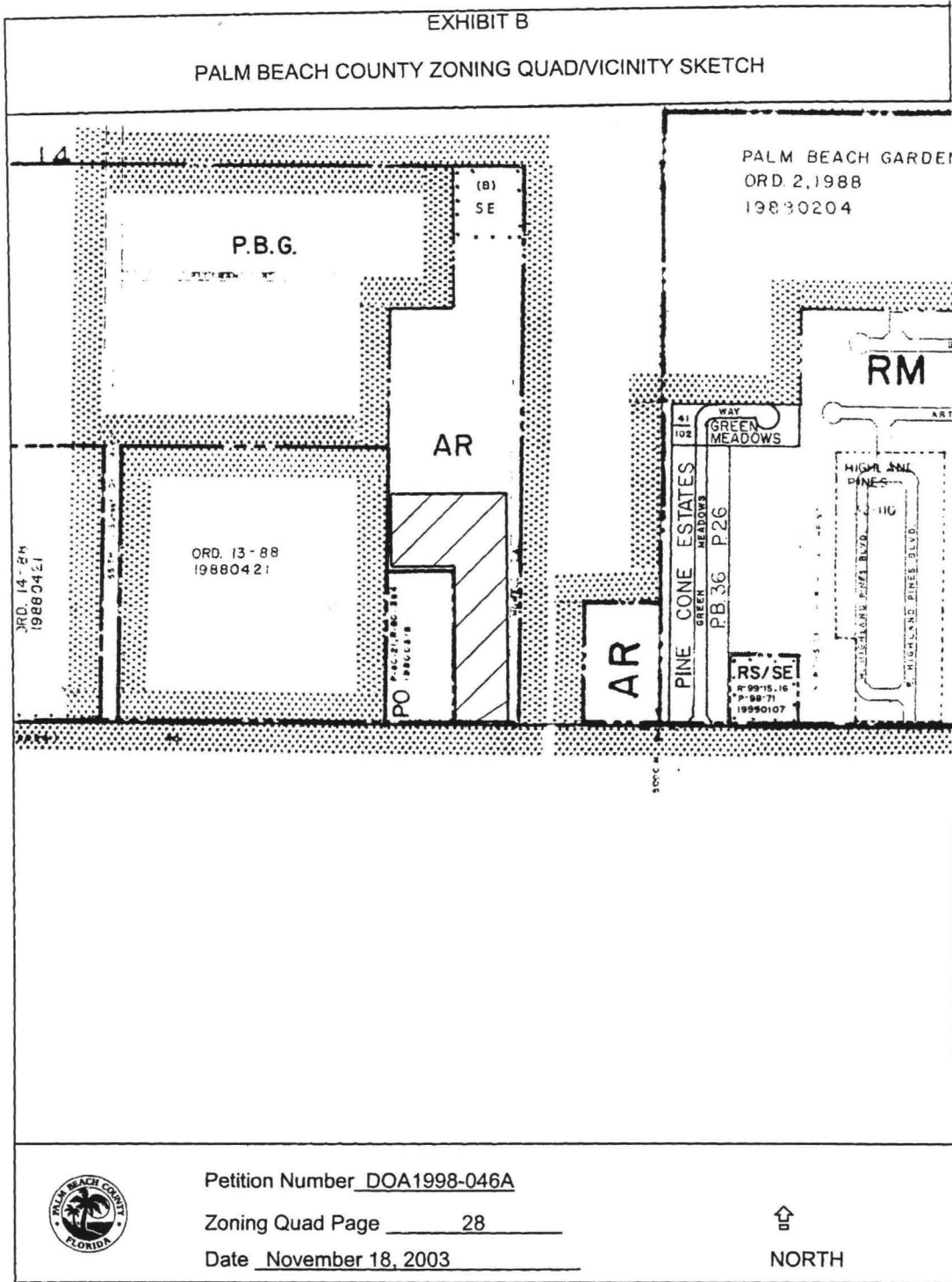


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-1999-0013, Petition PDD1998-046, which currently states:

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 December 9, 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 – Zoning)

Is hereby amended to read:

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 3, 2003. 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 – Zoning)

2. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-99-0013 (Petition 98-046), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING – Zoning)

B. ACCESS

1. **Vehicular access to the site shall be limited to Northlake Boulevard.** (DRC: ZONING – Zoning) (Previous Condition B.1 of Resolution R-1999-0013, Petition PDD1998-046)
2. **Prior to final site plan approval, the site plan shall be modified to indicate pavement markings or signage provided indicating one-way traffic flow for drop-off areas.** (DRC: Bldg Permit – Zoning) (DRC: ZONING) (Previous Condition B.2 of Resolution R-1999-0013, Petition PDD1998-046)

C. ARCHITECTURAL CONTROL

1. **All structures on site shall be designed and constructed to be consistent with the facade elevations by Oliver Glidden and Partners dated December 9, 1998.** (BLDG PRMT: BLDG – Zoning) (DRC: ZONING) (Previous Condition C.1 of Resolution R-1999-0013, Petition PDD1998-046)
2. **Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of all the buildings subject to the four architectural variations**

shown in exhibits referenced in C.1 above. (BLDG PERMIT: BLDG - Zoning) (DRC: ZONING – Zoning) (Previous Condition C.1 of Resolution R-1999-0013, Petition PDD1998-046)

D. BUILDING AND SITE DESIGN

1. **The minimum setback for all structures adjacent to the north property line shall be sixty-five (65) feet.** (DRC: ZONING – Zoning) (Previous Condition D.1 of Resolution R-1999-0013, Petition PDD1998-046)
2. **The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed twenty-five (25) feet.** (Previous Condition D.2 of Resolution R-1999-0013, Petition PDD1998-046) (BLDG PRMT: BLDG – Zoning)
3. **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 principal structure or equivalent landscape material.** (CO: BLDG – Zoning) (Previous Condition D.3 of Resolution R-1999-0013, Petition PDD1998-046)
4. **The minimum setback for the outdoor play field and all accessory recreational equipment shall be 200 feet from the north and 200 feet from the 332 foot northwest property lines.** (DRC: ZONING – Zoning) (Previous Condition D.4 of Resolution R-1999-0013, Petition PDD1998-046)
5. **All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC.** (PLAT: ENG - Zoning) (Previous Condition D.5 of Resolution R-1999-0013, Petition PDD1998-046)

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 Northlake Boulevard. 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 and shall be 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 PRMT: MONITORING – Eng) (Previous Condition E.1.a of Resolution R-1999-0013, Petition PDD1998-046)[COMPLETE]
 - 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 Prior to issuance of a certificate of Occupancy. (CO: MONITORING- Eng) (DRC: ZONING) (Previous Condition E.1.b of Resolution R-1999-0013, Petition PDD1998-046) [COMPLETE]

- 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. (BLDG PRMT: MONITORING – Eng) (Previous Condition E.1.c of Resolution R-1999-0013, Petition PDD1998-046) [COMPLETE]**

F. CONGREGATE LIVING FACILITY

1. Condition F.1 of Resolution R-1999-0013, Petition PDD1998-046, which currently states:

The property shall be restricted to a CLF use for Palm Beach County residents only.

Is hereby amended to read:

The property shall be restricted to a Congregate Living Facility use for Florida area residents only. (DRC/ONGOING: PLANNING – Zoning)

2. Condition F.2 of Resolution R-1999-0013, Petition PDD1998-046, which currently states:

The CLF shall be limited to a maximum of 4,500 square feet for each residence for a gross floor area of 54,000 square feet. Gross floor area may be increased an additional 5% up to 1,000 square feet, whichever is less, subject to Development Review Committee (DRC) approval.

Is hereby amended to read:

The Congregate Living Facility shall be limited to a maximum of 4,500 square feet for each residence for a gross floor area of 49,500 square feet, excluding office and recreational uses. Gross floor area may be increased an additional 5% up to 1,000 square feet, whichever is less, subject to Development Review Committee (DRC) approval. (DRC: ZONING – Zoning)

3. Condition F.3 of Resolution R-1999-0013, Petition PDD1998-046, which currently states:

The CLF shall be limited to a maximum of 72 Type III CLF beds and 1 sibling per house parent for a maximum of 84 children for the site.

Is hereby amended to read:

The Congregate Living Facility (CLF) shall be limited to a maximum of 66 Type III CLF beds and a maximum of 3 dependent children per family cottage couple, for a maximum of 99 children for the site. (DRC: BLDING/HEALTH – Zoning)

4. **The facility shall be limited to providing services and residential care for abused, abandoned and neglected children and shall be licensed and contracted through the Department of Children and Families (DCF).** (ONGOING: CODE ENF – Zoning) (Previously Condition F.4 of Resolution R-1999-0013, Petition PDD1998-046)
5. **Prior to final site plan approval, the residences shall be redesigned to include only one central kitchen.** (DRC/CO: Zoning/BLDG – Zoning). (Previously Condition F.5 of Resolution R-1999-0013, Petition PDD1998-046)
6. Condition F.6 of Resolution R-1999-0013, Petition PDD1998-046, which currently states:

The residences shall accommodate a maximum of 6 CLF beds per dwelling unit with a maximum of 2 beds per room. One child belonging to the house parent may also reside in the dwelling unit.

Is hereby amended to read:

The residences shall accommodate a maximum of six (6) Congregate Living Facility (CLF) beds per dwelling unit, with a maximum of two (2) beds per room. A maximum of three (3) dependent children belonging to the family cottage couple may also reside in the dwelling unit. (ONGOING: Code Enf – Monitoring)

7. **SOS Childrens Villages shall be consulted during start-up regarding operations and annual training of staff persons.** (ONGOING: Code Enf – Monitoring) (Previous Condition F.7 of Resolution R-1999-0013, Petition PDD1998-046)
8. **One resident from the immediate surrounding residential communities shall be appointed to the Place of Hope Advisory Board from a list provided by the District 1 Commissioner and selected by the Place of Hope. This person shall not be a member of Palm Beach Gardens Christ Fellowship, Inc. or Place of Hope, Inc. nor any of their affiliates.** (ONGOING: Code Enf – Monitoring) (Previous Condition F.8 of Resolution R-1999-0013, Petition PDD1998-046)

G. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification.** (DRC: ERM – ERM) (Previous Condition G.1 of Resolution R-1999-0013, Petition PDD1998-046)
2. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM – ERM)

H. LANDSCAPING ALONG NORTH, AND 332 FEET OF THE NORTHWEST PROPERTY LINE (ACROSS FROM RESIDENTIAL)

1. **Landscaping and buffering along the north and 332 feet of the northwest property line shall include:**
 - a. **A minimum twenty (20) foot wide landscape buffer strip;**
 - b. **A continuous two (2) foot high berm measured from top of curb;**

- c. **A minimum 5 foot high vinyl coated chain link fence located five feet from the exterior property line and installed on the crest of the berm;**
- d. **One (1) canopy tree planted every thirty (30) feet on center;**
- e. **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 supersede the requirement for a canopy tree in that location; and**
- f. **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) (Previous Condition I.1 of Resolution R-1999-0013, Petition PDD1998-046)**

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING NORTHLAKE BOULEVARD)

- 1. **Landscaping and buffering along the south 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 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 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) palms shall not be substituted for a perimeter canopy tree; 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 – Zoning) (Previous Condition J.1 of Resolution R-1999-0013, Petition PDD1998-046)**

J. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING HOWELL LANE)

- 1. **Landscaping and buffering along the east property line shall be upgraded to include:**
 - a. **A minimum fifteen (15) foot wide landscape buffer strip;**
 - b. **A continuous two (2) foot high berm measured from top of curb;**
 - c. **A minimum 5 foot high vinyl coated chain link fence located five feet from the exterior property line installed on the crest of the berm;**
 - d. **One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;**
 - e. **One (1) palm 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) palms shall not be substituted for a perimeter canopy tree; and**
 - f. **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 – Zoning) (Previous Condition K.1 of Resolution R-1999-0013, Petition PDD1998-046)**

K. LANDSCAPING ALONG THE WEST AND INTERIOR NORTHWEST PROPERTY LINE

1. **Landscaping and buffering along the west and interior northwest property line shall include:**
 - a. **A minimum fifteen (15) foot wide landscape buffer strip;**
 - b. **One (1) canopy tree planted every thirty (30) feet on center;**
 - c. **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 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 thirty-six (36)inches. (CO: LANDSCAPE – Zoning) (Previous Condition L.1 of Resolution R-1999-0013, Petition PDD1998-046)**

L. LANDSCAPING – INTERIOR

1. **Foundation plantings or grade level planters shall be provided along the 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 each side of the structure; and,**
 - c. **Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO: ZONING/LANDSCAPE – Zoning) (Previous Condition H.1 of Resolution R-1999-0013, Petition PDD1998-046)**
2. **One tree per 1500 square feet shall be provided for the 16,000 square foot outdoor play area. (DRC/CO: ZONING/LANDSCAPE – Zoning) (Previous Condition H.2 of Resolution R-1999-0013, Petition PDD1998-046)**

M. 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 and shall be in compliance with Palm Beach Gardens code, or this condition, whichever is more restrictive. (CO/ONGOING: BLDG/CODE ENF – Zoning) (Previous Condition M.1 of Resolution R-1999-0013, Petition PDD1998-046)**
2. **All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (CO: BLDG – Zoning) (Previous Condition M.2 of Resolution R-1999-0013, Petition PDD1998-046)**

N. PLANNING

1. **Prior to final Development Review Committee (DRC) approval, the site plan shall be amended to include a sketch/plan of the play/recreation area shown on the site plan to indicate the types of activities that will occur at this location along with the location of trees that will be preserved. (DRC: Planning – Planning)**

O. RESTRICTIVE COVENANT

1. Condition F.1 of Resolution R-1999-0013, Petition PDD1998-046, which currently states:

Prior to final site plan approval by the Development Review Committee (DRC), the applicant shall deliver to the County Attorney's Office, in a form acceptable to the County Attorney, and if approved, record a restrictive covenant which declares the applicant's agreement that the County may initiate a plan amendment removing the Institutional/ High Residential 8 designation if the CLF is not under construction by December 1, 2001.

Is hereby deleted. [REASON: Completed.]

P. SIGNAGE

1. **Signage shall be limited to an address sign only.** (CO: BLDG – Zoning) (Previous Condition O.1 of Resolution R-1999-0013, Petition PDD1998-046)

Q. 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) (Previous Condition P.1 of Resolution R-1999-0013, Petition PDD1998-046)
2. Condition P.1 of Resolution R-1999-0013, Petition PDD1998-046, which currently states:

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.

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 Code Enforcement Special Master 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. (ONGOING: MONITORING – Zoning)