

RESOLUTION NO. R-2012- 0939

RESOLUTION APPROVING ZONING APPLICATION DOA/R/TDR-2012-00387
(CONTROL NO. 1975-00068)

a Requested Use
APPLICATION OF Cobblestone Place, LLC
BY Miller Land Planning, AGENT
(Cobblestone Place CLF)

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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application DOA/R/TDR-2012-00387 was presented to the Board of County Commissioners at a public hearing conducted on June 28, 2012; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant 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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Requested Use.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application DOA/R/TDR-2012-00387, the petition of Cobblestone Place, LLC, by Miller Land Planning, agent, for a Requested Use to allow a Type 3 Congregate Living Facility (CLF) and Transfer of Development Rights (TDR) in the Planned Unit Development (PUD) 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 June 28, 2012, subject to the Conditions of Approval described in EXHIBIT C-2, attached hereto and made a part hereof.

Commissioner Aaronson 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:

Commissioner Shelley Vana, Chair	-	Absent
Commissioner Steven L. Abrams, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 28, 2012.

Filed with the Clerk of the Board of County Commissioners on July 9, 2012.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

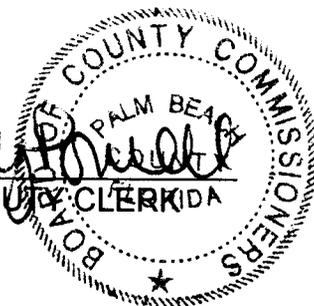


EXHIBIT A

LEGAL DESCRIPTION

TRACT "N", BOUNDARY PLAT OF ORIOLE COUNTRY, A PLANNED UNIT DEVELOPMENT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGES 175 THROUGH 180 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN THE PALM BEACH COUNTY, FLORIDA, CONTAINING 6.000 ACRES, MORE OR LESS

EXHIBIT B
VICINITY SKETCH

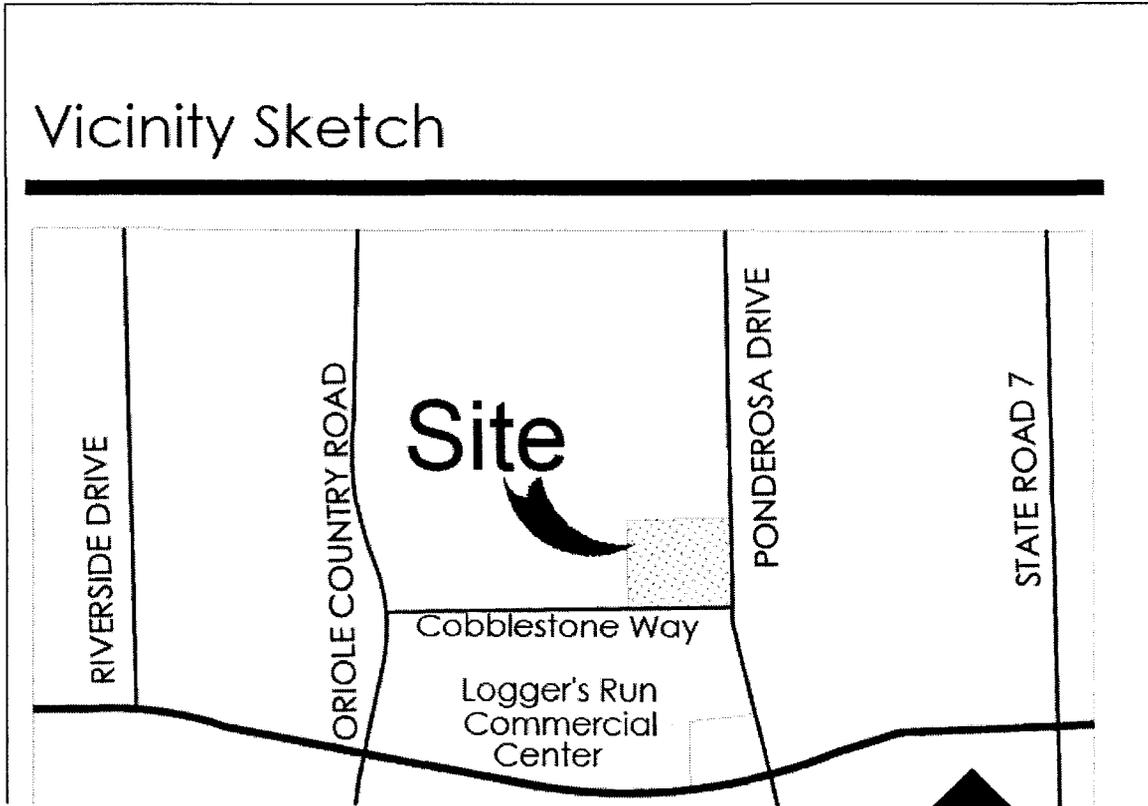


EXHIBIT C-2

CONDITIONS OF APPROVAL (Congregate Living Facility)

ALL PETITIONS

1. The approved Preliminary Master Plan for the overall Planned Unit Development and the Preliminary Site Plan for the Congregate Living Facility for Tract N are dated April 12, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for the Congregate Living Facility shall be submitted for final architectural review and approval. Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

2. Building height of the proposed buildings for the Congregate Living Facility shall be limited to the following:

- a. one-story (northwest wing) building – twenty-five (25) feet;
- b. two-story building - thirty-five (35) feet;
- c. three-story building – forty-five (45) feet; and,
- d. Height shall be measured from the finished grade to the highest point of the building, including air conditioning, mechanical equipment and satellite dishes. (BLDG PERMIT: BLDG – Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2017. A time extension for this condition may be approved 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. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for a 25-foot corner clip at the northwest corner of the intersection of Cobblestone Way and Ponderosa Drive. All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be free and clear of all encroachments and encumbrances. Property owner 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, including a topographic survey. The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record these required deeds or related documents. Palm

Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT/ONGOING: MONITORING-Eng)

LANDSCAPE - GENERAL

1. Prior to final approval by the Development Review Officer (DRO), the site plan for the Type 3 Congregate Living Facility shall be revised to identify all existing pines. The property owner shall incorporate existing pines within the required landscape buffers, or any portion of the site, where preservation of existing vegetation is feasible. The Final Site Plan shall be reviewed and approved by the Landscape Section, Zoning Division to ensure this requirement is satisfied. (DRO:LANDSCAPE-Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE ADJACENT TO RESIDENTIAL PROPERTIES

2. In addition to Code requirements, the proposed landscaping and buffering along the north property line shall be upgraded to include:

- one (1) palm or pine tree for each thirty (30) linear feet of the property line. Palms or pines shall be clustered and located in areas of the buffer to screen the view of the proposed building. The locations of the palms or pines shall be finalized on the Final Landscape Plan;
- a minimum six (6) foot high hedge. Hedge shall be Areca Palms or similar species approved by the Landscape Section. The hedge shall be installed and maintained at a height of six (6) feet;
- a trellis located within or parallel to the buffer, and shall measure a minimum of five hundred (500) feet in length. Flowering vines shall be installed to cover the trellis; and,
- the canopy trees to be installed within this landscape buffer shall be of species that do not cause excessive leaves/debris from falling into the adjacent residential properties. Species shall be reviewed and approved by the Landscape Section; and,
- prior to final approval by the Development Review Officer, the site plan shall be revised to indicate the location of the trellis. (DRO:ZONING/LANDSCAPE-Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES ABUTTING COBBLESTONE WAY AND PONDEROSA DRIVE

3. In addition to Code requirements, the proposed landscaping and buffering along the south and east property lines shall be upgraded to include:

- one pine tree for each twenty (20) linear feet of the property line. Pines shall be planted in clusters of seven (7) to nine (9) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation;
- credit may be given for existing pines that meet the requirements of the Unified Land Development Code;
- twenty-five (25 %) percent of the required medium shrubs shall be Saw Palmetto, and shall be planted in the pine clusters; and,
- all other required shrubs shall be of native species. (BLDG PERMIT: LANDSCAPE Zoning)

4. Prior to the issuance of a Building Permit, all existing pines that are identified on the approved Final Landscape Plan, shall be barricaded, to ensure survivalability of the existing pines. (BLDG PERMIT: LANDSCAPE- Zoning)

LIGHTING - NORTH PROPERTY LINE ADJACENT TO RESIDENTIAL

1. All outdoor, freestanding lighting fixtures along the north property line adjacent to residential shall have zero (0) foot candles illumination measured at six (6) feet above grade level. (BLDG PERMIT: BLDG - Zoning)

PALM TRAN

1. Prior to issuance of the first Building Permit, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary

by Palm Tran is required. (BLDG PERMIT:MONITORING-Palm Tran)

PLANNING

1. Per LGA 2008-012, ORD 2008-23, the density associated with the High Residential, 12 units per acre (HR-12), Future Land Use designation shall only be utilized for the development of the property with a Congregate Living Facility (CLF). If developed residentially, other than a CLF, the density shall be limited to Low Residential, one (1) unit per acre. (ONGOING:PLANNING-Planning)

2. Per LGA 2008-012, ORD 2008-23, at time of submittal of a Zoning application for the subject property, the property owner shall submit to the Zoning Division a Transfer Development Rights (TDR) Application requesting purchasing the development rights for six (6) dwelling units under the County's TDR Program. (DRO:PLANNING-Planning) [Note: COMPLETED]

SITE PLAN

1. Prior to final approval by the Development review Officer (DRO) the site plan shall be revised to reduce the paved area of the northern turn around as allowed to comply with applicable emergency services and engineering regulations. (DRO: FIRE/ENG - Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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 Unified Land Development Code (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 the 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)