

RESOLUTION NO. R-2017- 1765

RESOLUTION APPROVING ZONING APPLICATION DOA-2017-01402  
(CONTROL NO. 1996-00081)  
a Development Order Amendment  
APPLICATION OF BRP Senior Housing LLC  
BY Miller Land Planning, AGENT  
(Villages of Windsor SW Civic)

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;

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

WHEREAS, Zoning Application DOA-2017-01402 was presented to the Board of County Commissioners at a public hearing conducted on November 30, 2017;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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-2017-01402, the Application of BRP Senior Housing LLC, by Miller Land Planning, Agent, for a Development Order Amendment to reconfigure the Site Plan to add Freestanding signs and to modify a Condition of Approval (Signage), on a parcel of land generally described as shown on the legal description 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 November 30, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Melissa McKinlay, Mayor	-	Aye
Commissioner Mack Bernard, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on November 30, 2017.

Filed with the Clerk of the Board of County Commissioners on December 11th, 2017.

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  
BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY, FLORIDA

EXHIBIT A

LEGAL DESCRIPTION

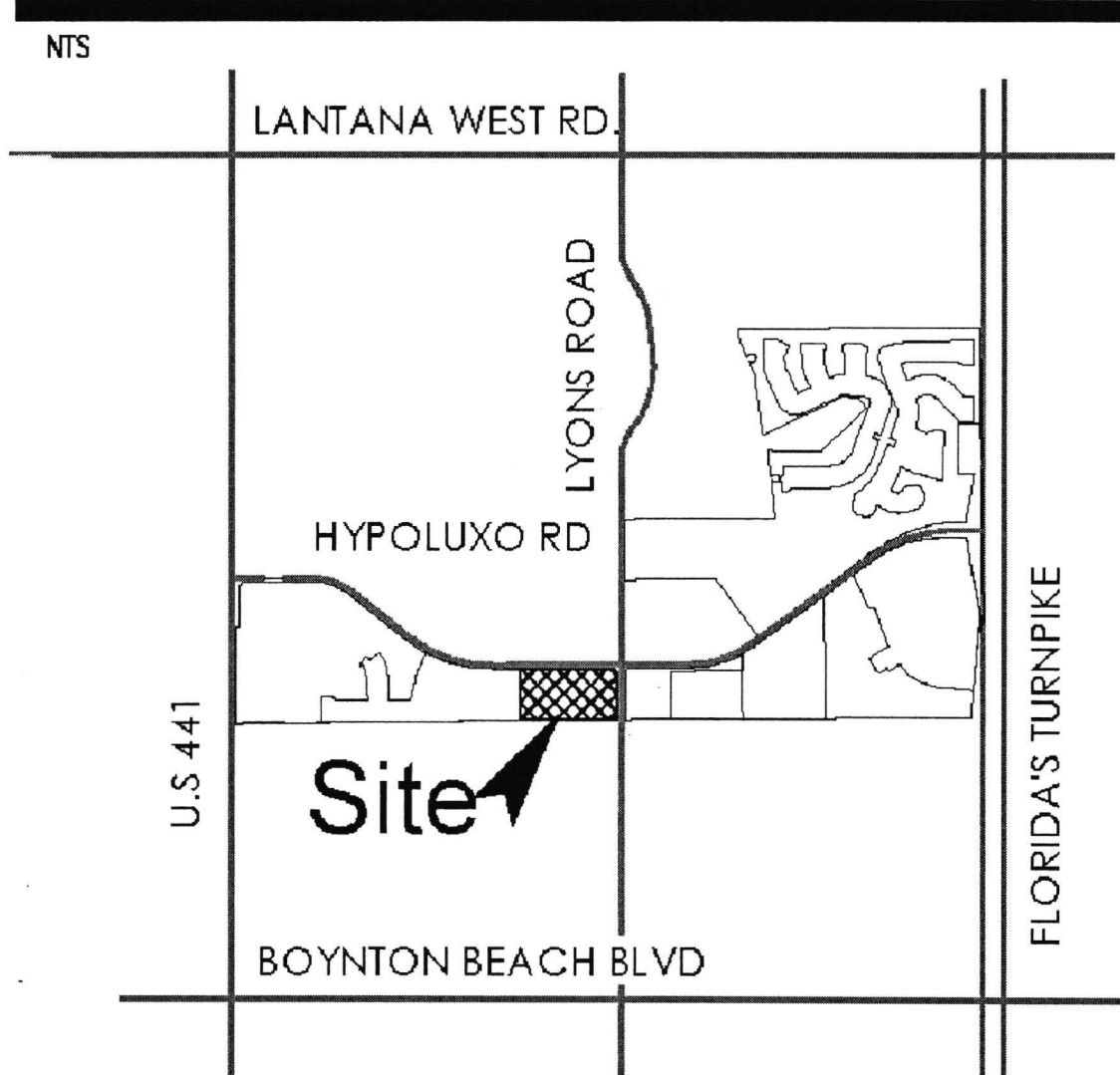
LEGAL DESCRIPTION

Parcel A, Villages of Windsor-SW Civic, according to the plat thereof, as recorded in Plat Book 120, Pages 137 and 138 of the public records of Palm Beach County, Florida.

Said lands situate in Palm Beach County, Florida.  
Containing 980,100 square feet or 22.500 acres, more or less.

EXHIBIT B  
VICINITY SKETCH

# Location Map



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2011-574, Control No.1996-00081, which currently states:

The approved Preliminary Site Plan is dated January 18, 2011. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

##### Is hereby amended to read:

The approved Preliminary Site Plan is dated July 19, 2017. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the 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 Development Review Officer (DRO) approval, the architectural elevations for structures within the civic pod shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the 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: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2011-574, Control No.1996-00081)

##### LANDSCAPE - INTERIOR

1. Prior to final approval by the Development Review Officer (DRO), the Final Site Plan shall be revised to provide foundation plantings a minimum of five (5) feet in width for a minimum of forty (40) percent of the facade for all building facades facing residential uses or a public right-of-way. Foundation planting trees shall be in scale with the abutting building as determined by the Landscape Section. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-2011-574, Control No.1996-00081)

##### LANDSCAPE – PERIMETER

2. Prior to final approval by the Development Review Officer (DRO), the Final Regulating Plan shall be revised to indicate for any portion of the south incompatibility buffer directly south of any 3-story building;

- a. Palm trees shall not be substituted for any canopy tree;
- b. A minimum of 50 percent of the canopy trees shall be a minimum of sixteen (16) feet in height at time of planting and the remaining canopy trees shall be fourteen (14) feet in height at time of planting. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 2 of Resolution R-2011-574, Control No.1996-00081)

##### LANDSCAPE - PERIMETER

3. In addition to ULDC requirements, the south perimeter landscape buffer shall be upgraded to include:

- a. A continuous berm with an average height of two and one-half (2.5) feet;
- b. The required large shrubs shall be planted at the top of the berm as a continuous hedge; and

c. The hedge in conjunction with the berm shall be maintained at a minimum height of eight (8) feet. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 3 of Resolution R-2011-574, Control No.1996-00081)

4. Prior to the issuance of the first building permit, the south perimeter landscape buffer shall be installed. (BLDG PERMIT: LANDSCAPING - Landscaping) (BLDGPMT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2011-574, Control No.1996-00081)

## **SIGNS**

1. Previous SIGNS Condition 1 of Resolution R-2011-574, Control No.1996-00081, which currently states:

Prior to final approval by the Development Review Officer (DRO), the Master Sign Plan shall be revised in compliance with Unified Land Development Code (ULDC) and consistent with the following limitations:

- a. Signage for the Congregate Living Facility (CLF) is limited to one (1) freestanding sign to be located at the either the Lyons Road access or the northeast corner of the site with a maximum height of eight (8) feet and a maximum of 32 square feet in sign face area.
- b. No wall signage is allowed on any of the CLF buildings.
- c. The Nursing Facility is limited one (1) freestanding sign with a maximum height of ten (10) feet and a maximum of 200 square feet of sign face area to be located within the Nursing Facility's Hypoluxo Road frontage.
- d. Any wall signage on the Nursing Facility building must be in compliance with ULDC requirements. (DRO: ZONING-Zoning)

### **Is hereby amended to read:**

Prior to final approval by the Development Review Officer (DRO), the Master Sign Plan shall be revised in compliance with Unified Land Development Code (ULDC) and consistent with the following limitations:

- a. No wall signage is allowed on any of the CLF Buildings.
- b. Any wall signage on the Nursing Facility building must be in compliance with the ULDC requirements;
- c. Maximum of 4 Ground Mounted Freestanding signs, two fronting Hypoluxo Road and two fronting Lyons Road.
- d. Maximum square footage for the Ground Mounted Freestanding Signs shall be 200 square feet each. (DRO/ONGOING: ZONING - Zoning)

## **SITE DESIGN**

1. Building 1 shall be limited to a maximum of 3 stories and 38 feet in height. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-2011-574, Control No.1996-00081)

## **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: ZONING - 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; the 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 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 of Approval; 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: ZONING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.