

RESOLUTION NO. R-89-1154

RESOLUTION APPROVING ZONING PETITION NO. 73-85(C)  
SPECIAL EXCEPTION PETITION OF DOUGLAS S. PERRY, TRUSTEE

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 73-85(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 29, 1988; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of *the* various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition NO. 73-85(C) the petition of DOUGLAS S. PERRY, TRUSTEE, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR BOCA POINTE PUD (PETITION NO. 73-85) TO PERMIT: (1) A NURSING HOME (60 BEDS MAXIMUM), AND (2) CONGREGATE LIVING FACILITIES-TYPE 3 (616 BEDS MAXIMUM) on a parcel of land lying on Tracts 1 through 32, inclusive, Boston and Florida A.C. Land Company Subdivision, as recorded in Plat Book 2, Page 62 (also known as the North 1/2 of Section 33, Township 47 South, Range 42 East); also the South 1/2 of Section 28, Township 47 South, Range 42 East, and the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 47 South, Range 42 East, and the South 1/2 of Tracts 6 through 20, inclusive, of Palm Beach Farms Company Plat No 6, located in the South 1/2 of the South 1/2 of Section 27, Township 47 South, Range 42 East, less a ten (10) acre parcel in the Northeast corner of said lands, more particularly described as the East 660 feet of the North 660 feet of the South 1/2 of Tracts 6, 7 and 8, Palm Beach Farms Company Plat No. 6, located in the South 1/2 of the South 1/2 of Section 27, Township 47 South, Range 42 East, as deeded per instrument

recorded, in Official Record Book 1863, Page 240 and all of Tracts 6 through 20, inclusive, of Palm Beach Farms Company Plat No. 6, located in the North 1/2 of Section 34, Township 47 South, Range 42 East. Said property located on the east side of Florida's Turnpike and on the north side of Hillsboro Canal, being located on the east and west sides of Powerline Road and the north and south sides of S.W. 18th Street, in a RS-Residential Single Family Zoning District, was approved as advertised, subject to the following conditions:

1. Petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to certification, the site plan shall be amended to indicate the following:
  - a. Conceptual graphic indicating the location of all existing native vegetation to be preserved; and
  - b. Tabular information that indicates: i) Revised unit count for the PUD less the converted units; ii) Acreage breakdown for each use; and, iii) Revised density calculation for residential, CLF and nursing home uses.

The tabular information shall be subject of final approval by the Zoning Division.

3. Prior to master plan certification the petitioner shall coordinate tabular information changes with the petitioner of record for Petition No. 73-85(B). The land use for Tract R and respective tabular shall be amended to indicate the most current information for both approvals simultaneously for Site Plan Review Committee. In the event that the petitioner for Petition No. 73-85(B) is postponed at the Planning Commission or respective Board of County Commission Hearing, beyond the date in which the petitioner for 73-85(C) is requesting final certification at Site Plan Review Committee Meeting, this condition shall not apply.
4. Prior to site plan certification, the site plan for Tract D shall indicate the following:
  - a. All existing native vegetation to be preserved;
  - b. Required drop-off area that satisfies the criteria set forth in Section 500.37 of the Zoning Code;
  - c. All supplemental property development regulations as outlined in Section 500.37.E.1-10;
  - d. Required elevations of the proposed structures; and,
  - e. Tabular information indicating:

1. Number of beds;
2. Number of live in staff;
3. Number of rooms; and
4. Square footage calculations for all common areas.

The area indicated for reserve parking shall be located exclusive of any preservation areas or required activity areas.

5. Prior to site plan certification for Parcel D, the petitioner shall submit a letter from the master association of the planned unit development stating that the architectural character proposed for development within Tract D is compatible and in conformance with the Planned Unit Development Architectural Guidelines.
6. Use of the site shall be limited to a congregate living facility supporting a maximum of 616 residents, including resident staff, and a nursing home supporting a maximum of 60 beds.
7. The developer shall preserve existing native vegetation on site and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable area, retention areas, right-of-way and building pods. Areas of existing vegetation to be preserved shall be shown upon the site plan prior to Site Plan Review Committee certification,. These preservation areas shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code during the site development and construction phase.
8. Prior to site plan certification of any site plan for "Tract D" the petitioner shall submit a tree survey to facilitate a pragmatic approach towards tree preservation.
9. All structures proposed for the eastern 300 feet portion of Tract "D" shall be limited to two (2) stories. All other structures on Tract "D" shall be limited to a maximum five (5) stories in height.
10. All proposed outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent residentially zoned property and shall not exceed fifteen (15) feet in height.
11. A minimum of a fifty (50) foot buffer shall be maintained from the east property line.
12. Along the east property line, the petitioner shall preserve all native understory and canopy vegetation

within the fifty (50) foot buffer. Where existing vegetation does not provide a visual screen the petitioner shall install minimum twelve (12) foot high native canopy trees for each twenty (20) lineal feet of buffer and a continuous massing of native understory vegetation.

13. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
14. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
15. The petitioner shall construct a left turn lane and right turn lane on Via De Sonrisa Del Sur at each of the project's access roads concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy.
16. Prior to Master Plan approval, the petitioner shall update Boca Pointe's Master Plan to reflect:
  - a. Existing plats of record for the separate tracts including plat name, plat book and page:
  - b. Tract access locations, proposed and existing;
  - c. Right-of-way widths: and,
  - d. Site plan exhibit number on separate tracts as receive Site Plan approval.
17. The property owner shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
18. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit: the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure: or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.
19. Graphics exhibited in the Public Hearings shall be submitted to the Zoning Division, simultaneously with submittal of Tract "D" to Site Plan Review.

Commissioner Howard moved for approval of the petition. The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 13th day of June, 1989 confirming action of December 29, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY :

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :

  
DEPUTY CLERK

