

RESOLUTION NO. R-96-1948

RESOLUTION APPROVING ZONING PETITION CA96-49  
CLASS A CONDITIONAL USE  
PETITION OF MANOR CARE, INC.  
BY PETER L. BRETON, ESQ., AGENT  
(MANOR CARE)

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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; 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 CA96-49 was presented to the Board of County Commissioners at a public hearing conducted on October 24, 1996; 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 recommendations of the Zoning Commission; 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 (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, 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 Class A Conditional Use, 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 CA96-49, the petition of Manor Care, Inc., by Peter L. Breton, Esq., agent, for Class A Conditional Uses (CA) for a Congregate living facility, Type 3 and a Nursing home facility in the Residential Single Family (RS) 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 October 24, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

The motion was seconded by Commissioner McCarty 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            | -- | Aye    |
| Mary McCarty               | -- | Aye    |
| Warren Newell              | -- | Aye    |
| Carol A. Roberts           | -- | Absent |

The Chair thereupon declared that the resolution was duly passed and adopted on December 2, 1996.

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**

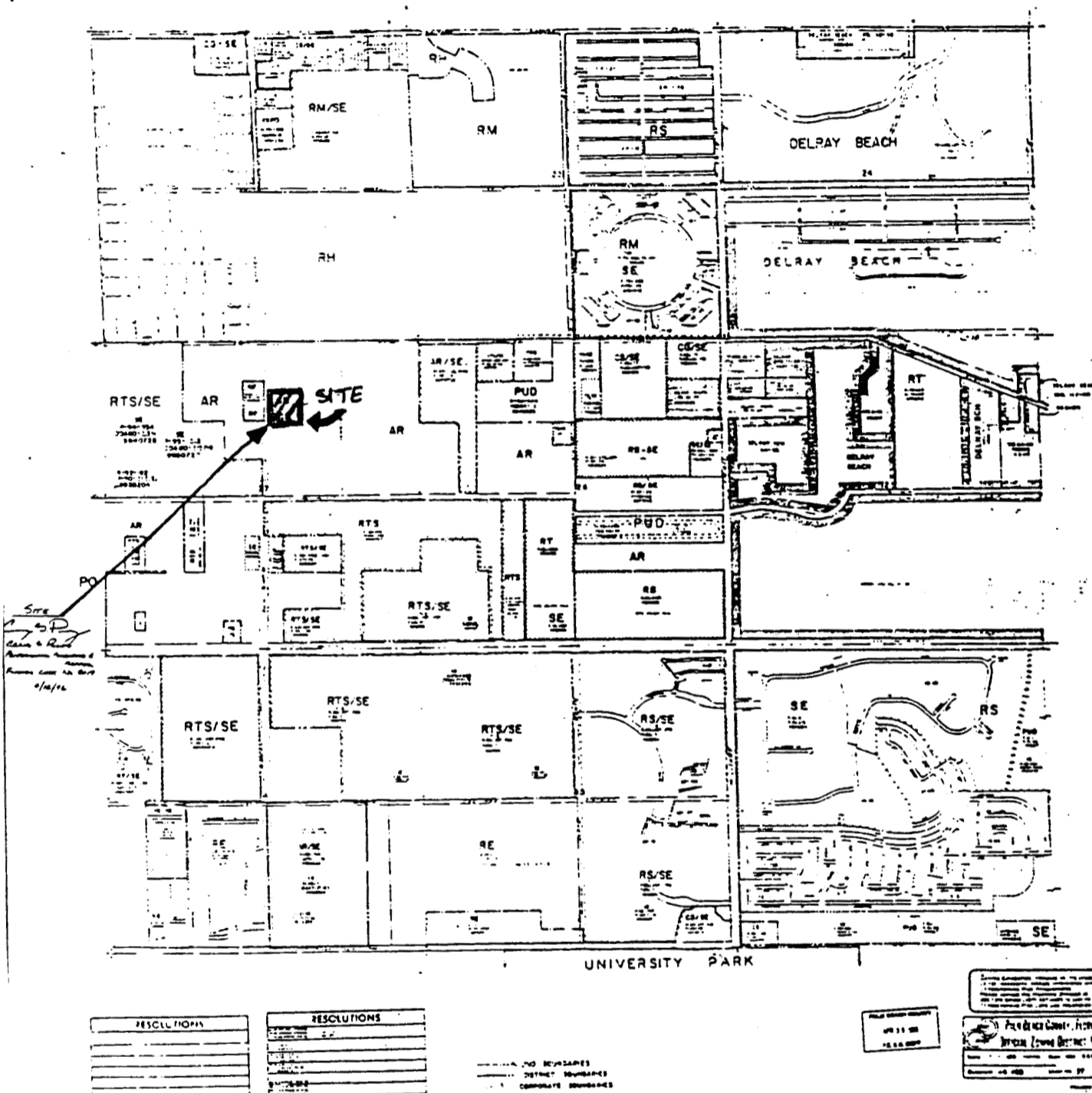
**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF THE PROPERTY**

The West half (W 1/2) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (**NE** 1/4) of Section 27, Township 46 South, Range 42 East, Palm Beach County, Florida, less the East 10 feet of the West 60 feet of the South 584 feet and the West 50 feet thereof.

Subject to easements, reservations, and restrictions of record.

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



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Date: \_\_\_\_\_



EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated June 28, 1996). 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. DENSITY

1. The nursing home facility shall be limited to a maximum of 180 residents. (ONGOING: HEALTH - Zoning)
2. The congregate living facility shall be limited to a maximum of 56 residents. (ONGOING: HEALTH - Zoning)

C. MASS TRANSIT

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRC: ZONING - School Board/Eng/Planning)

D. SIGNS

1. Freestanding signs for the nursing home facility shall be limited as follows:
  - a. Maximum number of signs - one (1);
  - b. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - c. Maximum sign face area per side - 100 square feet;
  - d. Style - monument style only. (CO: BLDG)
2. Freestanding signs for the congregate living facility shall be limited as follows:
  - a. Maximum number of signs - one (1);
  - b. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - c. Maximum sign face area per side - 32 square feet;
  - d. Style - monument style only. (CO: BLDG)

3. On-premises directional signs shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - five (5) feet;
  - b. Maximum sign face area per side - six (6) square feet. (CO: BLDG)

E. ENGINEERING

1. The property owner shall fund construction plan revisions on Jog Road to provide for:
  - a) median opening relocation and an associated left turn lane on Jog Road at the projects north entrance road. Funding of the construction plans and construction shall be completed on or before September 1, 1996. All canal crossings within the project limits shall be constructed to their ultimate configuration. (DATE: MONITORING - Eng)
2. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
  - a) Building Permits for more than 120 nursing home beds, and 56 ACLF units shall not be issued until construction has begun for Jog Road as a 6 lane section from Linton Boulevard to Clint Moore Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)

The allowable use listed above may be adjusted by the County Engineer based upon and approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (MONITORING - Eng)

3. The Developer shall plat the subject property, including the parent tract, in accordance with provisions of Article 8 of the Unified Land Development Code prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)
4. LANDSCAPE WITHIN MEDIAN
  - a. Prior to November 1, 1997, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. 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 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. (DATE: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All 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' 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 November 1, 1997. (CO: MONITORING - Eng)
  - c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO:Monitoring - Eng)
5. Prior to Site Plan approval by the Development Review Committee, the property owner shall submit an executed cross access easement between this property owner and the parcel to the north, subject property subject to approval by the County Attorney. (DRC: ENG)

**F. LANDSCAPING - STANDARD**

- 1. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet.
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
  - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE - Zoning)
- 2. All palms required to be planted on site by this approval shall meet the following minimum standards at time of installation:
  - a. Palm heights: twelve (12) feet clear trunk;
  - b. Clustering: staggered heights twelve (12) to eighteen (18) feet; and
  - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
  - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

**G. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RIGHT-OF-WAY)**

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
  - a. A continuous two (2) foot high berm;
  - b. A double row of canopy trees thirty (30) feet on center of which 50% can be planted on the interior side of the berm and the remaining 50% on the exterior side of the berm;

- c. One (1) palm or pine tree for each twenty (20) linear feet, with a minimum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
- d. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be planted at the top of berm and to be maintained at forty-eight (48) inches. (DRC / CO: ZONING / LANDSCAPE)

H. LANDSCAPING - INTERIOR

- 1. Landscape islands shall be provided along the front and side facades of all structures. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape islands shall be no less than 40% of the total length of the applicable side of the structure. All required landscape islands shall be planted with a minimum of one (1) tree every 20 feet on center and appropriate ground cover. (DRC/CO: ZONING/LANDSCAPE)

I COMPLIANCE

- 1. 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; 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.

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)