

RESOLUTION NO. R-97- 965

RESOLUTION APPROVING ZONING PETITION PDD97-28
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF STRATEGIC INVESTMENTS, INC.
BY BRADLEY MILLER, AGENT
(ARC DELRAY WEST)

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 notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD97-28 was presented to the Board of County Commissioners at a public hearing conducted on June 23, 1997; 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 recommendation of the Zoning Commission; and

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 PDD97-28, the petition of Strategic Investments, Inc. by Bradley Miller, agent, for an Official Zoning Map Amendment from **CS** and **RS** to **PUD** with Congregate living facility, Type 3 (requested use) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 23, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on July 24, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara Alter*
COUNTY ATTORNEY

BY: *Jean Hawley*
DEPUTY CLERK

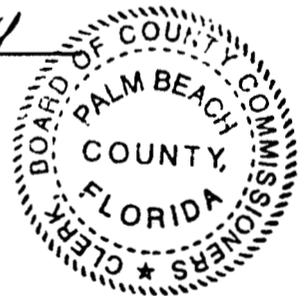


EXHIBIT A
LEGAL DESCRIPTION

LAND DESCRIPTION:

Tract 1, Section 20, Township 46 South, Range 42 East, according to the PALM BEACH FARMS CO., PLAT NO. 1, on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Page 26 to 28, inclusive; LESS AND EXCEPTING THEREFROM the following described lands:

COMMENCING at the Northeast corner of said Section 20; thence S89°42'00"W, along the North boundary of said Section, 15 feet; thence S01°28'33"E, 30.01 feet to the Northeast corner of said Tract 1 and the POINT OF BEGINNING; thence continue S01°23'33"E, along the East boundary of said Tract 1, a distance of 13.11 feet to a point on the arc of a non-tangent curve (radial line through said point bears N03°45'57"W); thence westerly along the arc of said curve being concave to the south, having a radius of 6220.91 feet, a delta of 00°06'43" and on arc distance of 12.17 feet to a point of reverse curvature; thence westerly, along the arc of said curve being concave to the North, having a radius of 6323.91 feet, a delta of 02°53'52"; on arc distance of 319.85 feet to a point on the West boundary of said Tract 1, thence N01°28'54"W, along said West boundary, 25.75 feet to the Northwest corner of said Tract 1; thence N89°42'00"E, along the North boundary of said Tract 1, 332.00 feet to the POINT OF BEGINNING.

TOGETHER with easement granted in Cross Access Easement Agreement recorded in O.R.Book 5866, Page 1085, O.R.Book 6544, Page 1909 and O.R.Book 6544, Page 1915 of the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

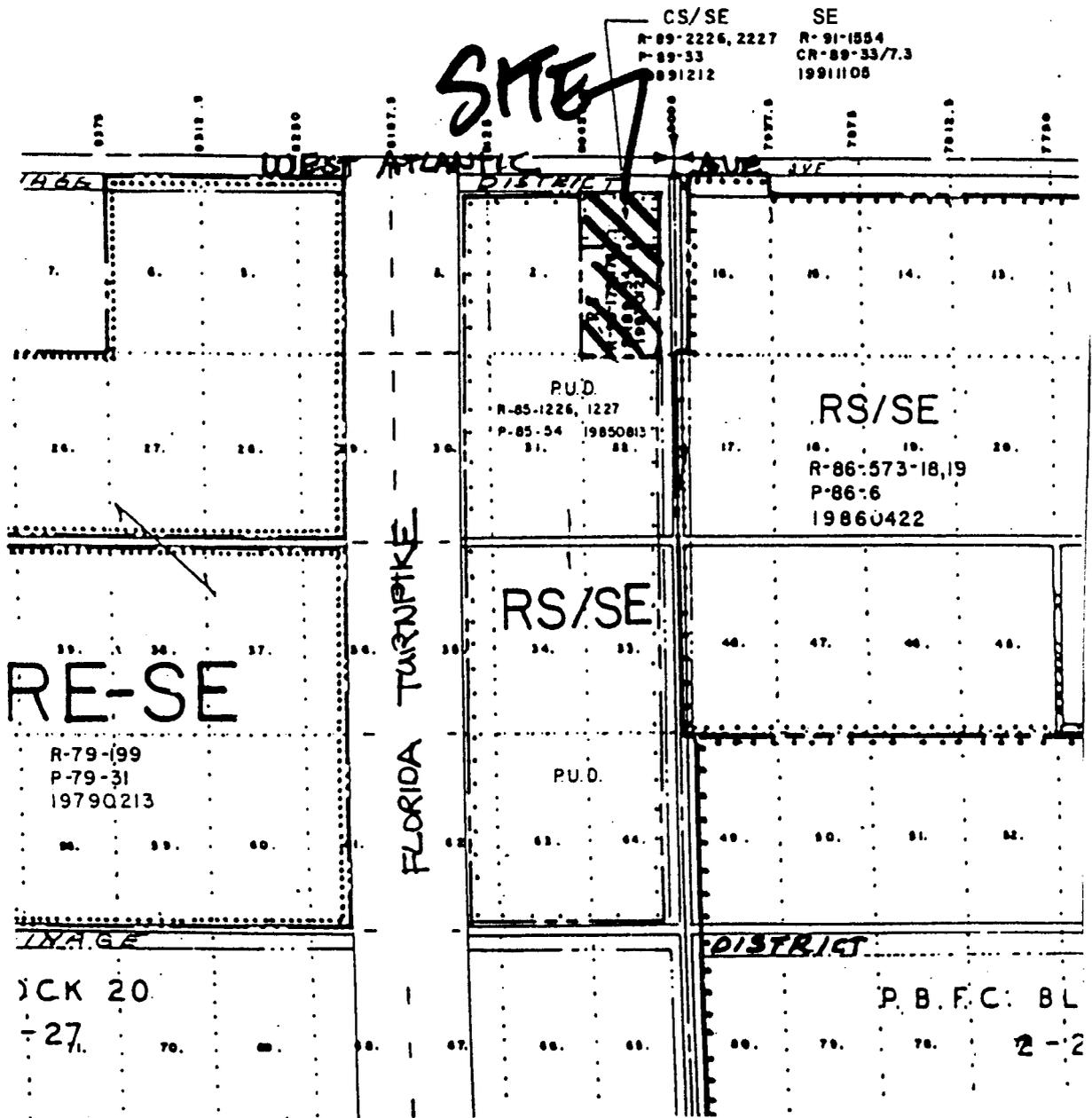


EXHIBIT C

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. 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 May 1, 1997. 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. CONGREGATE LIVING FACILITY

1. The CLF shall be limited to a maximum **of** 69,500 square feet. **Gross floor area** may **be** increased an additional 5% up to 1000 square feet, whichever is **less**, subject to Development Review Committee (DRC) approval. (DRC: ZONING)
2. The CLF shall be limited to **two** stories with a maximum height of 35 feet. (BLDG PERMIT: BLDG - Zoning)
3. The minimum rear setback for structures adjacent to residential shall be eighty (80) feet from the east property line. The minimum side setback for structures adjacent to residential shall **be** twenty-five (**25**) feet from the south property line. (DRC: ZONING)
4. The CLF shall be limited **to** a maximum of eighty (80) Type 3 beds. (DRC: BUILDING / HEALTH - Zoning)
5. 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 principle structure or equivalent landscape material. (CO: BLDG - Zoning)
6. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located **within** one hundred and eighty (180) feet of the south property line and shall **be confined** to the areas designated on the site plan. (DRC / ONGOING: ZONING / CODE ENF)

C. 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. (50% **of** required trees)
 - 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 planted on site in compliance with this approval shall meet the following minimum standards at time of installation:

- a. Palm heights: twelve **(12)** feet clear trunk or grey wood, whichever is greater;
 - b. Clusters: 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)
3. Landscape areas 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 or palm every **20** feet and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

D. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING WEST ATLANTIC AVENUE)

- 1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum twenty **(20)** 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 and to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

E. ENGINEERING

- 1. The property owner shall plat as a private roadway tract, Tranquility Lake Drive, 80 feet from centerline. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BDG PERMIT: MONITORING/Eng)
- 2. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. **The Fair Share Fee for this project, Zoning Petition Number 97-28, to be paid at the time of issuance of the Building Permit presently is \$28,380 (172 trips X \$165.00 per trip) (ONGOING: IMPACT FEE COORD)**
- 3. LANDSCAPE WITHIN MEDIAN
 - a. Prior to technical compliance by the Land Development Division, the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of West Atlantic Avenue. When permitted by the Land Development Division of the 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 landscaping installation and maintenance requirements shall be subject to the standards as 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. (TC: ENG)

- b. All required median landscaping including an irrigation system, if required, shall be at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duty 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. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed concurrent with the improvements with the first plat. (ENG)

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to recordation of the first plat to reflect this obligation. (PLAT: ENG)

4. Prior to issuance of a building permit the property owner shall convey a 10 foot "Temporary Construction Easement" to Palm Beach County along Atlantic Avenue. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property Owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (BLDG PERMIT: MONITORING - Eng)

F. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm or pine tree for each thirty (30) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not 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 seventy-two (72) inches. Credit may be given for vertical elements within a perimeter landscape area by the DRC for existing buffer features such as fences or walls Pursuant to Section 6.8.A.23. of the ULDC. (CO: LANDSCAPE)

G. LANDSCAPING ALONG THE EAST PROPERTY LINE

1. Landscaping and buffering along the east property line abutting residential shall be upgraded to include a minimum seven and one-half (7 1/2) foot wide landscape buffer strip which shall include:
 - a. One (1) canopy tree planted every twenty-(20) feet on center;

- b. One **(1)** palm tree **or** pine tree **for** each twenty-five (25) linear feet, with a maximum spacing of sixty (60) feet **on** center. A group of three **or** more palm trees **or** pine trees may not supersede the requirement for a native canopy tree in that location;
- c. 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 forty-eight (48) inches;
- d. Credit may **be** given for existing or relocated trees provided they meet **current** ULDC requirements; and,
- e. No further reductions **of** the buffer shall be permitted; (CO: LANDSCAPE - Zoning)

H. **LANDSCAPING ALONG THE WEST PROPERTY LINE**

- 1. Landscaping and buffering along the west property line abutting residential shall **be** upgraded to include a minimum seven **and one-half (7 1/2)** foot wide landscape buffer strip which shall include:
 - a. **One (1)** canopy tree planted every thirty (30) feet on center;
 - b. One **(1)** palm tree or pine tree for each twenty-five (25) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three **or more** palm trees **or** pine trees may not supersede the requirement for a native canopy tree in that location;
 - c. 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 forty-eight **(48)** inches;
 - d. Credit may **be** given for existing or relocated trees provided they meet **current ULDC** requirements; and,
 - e. No further reductions of the buffer shall be permitted; (CO: LANDSCAPE - Zoning)

I. **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. (CO / ONGOING: BLDG / CODE ENF - Zoning)
- 2. **All** outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured **from** finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor lighting shall **be** extinguished no later than **10:00** p.m., excluding security lighting only. (ONGOING: CODE ENF)
- 4. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (**PLAT**: ENG - Zoning)

J. **SIGNS**

- 1. Signs fronting on East Tranquility Lake Drive shall be limited to one **(1)** **thirty-two (32)** square foot monument sign with a maximum height of six: **(6)** feet. (**CO**: BLDG)

K. **USE LIMITATION**

- 1. Deliveries, other than emergency supplies shall not be allowed to the site **prior** to 7:00 a.m. nor continue later than **6:00 p.m.** Monday through Saturday. No deliveries on Sunday except **for** emergency provisions. (**ONGOING**: CODE ENF - Zoning)

2. Construction hours shall not commence prior to 7:00 a.m. or continue later than 7:00 p.m. Monday through Saturday. No construction activities permitted on Sunday. (ONGOING: CODE ENF - Zoning)

L. 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 noncompliance, 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. (MONITORING)