

RESOLUTION NO. R-97-1596

RESOLUTION APPROVING ZONING PETITION PDD97-69
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF STRATEGIC INVESTMENTS
BY BRADLEY MILLER, AGENT
(ARC AT BOCA RATON)

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 PDD97-69 was presented to the Board of County Commissioners at a public hearing conducted on October 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 PDD97-69, the petition of Strategic Investments by Bradley Miller, agent, for an Official Zoning Map Amendment Rezoning from Agricultural Residential (AR) to Planned Unit Development (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 October 23, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Absent
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 October 23, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Paula A. Altier*
COUNTY ATTORNEY

BY: *Jean Hawerty*
DEPUTY CLERK

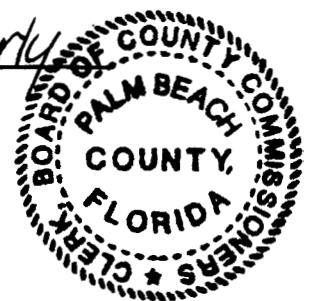


EXHIBIT A
LEGAL DESCRIPTION

ARC at BOCA RATON
Legal Description

Tract **119**, Block 73, less the South **120.0** feet, "Palm Beach Farm Company Plat **No. 3**", according to the **plat** thereof, **as** recorded in Plat Book 2, Pages **45** through **54** of the Public Records of Palm Beach County, Florida.

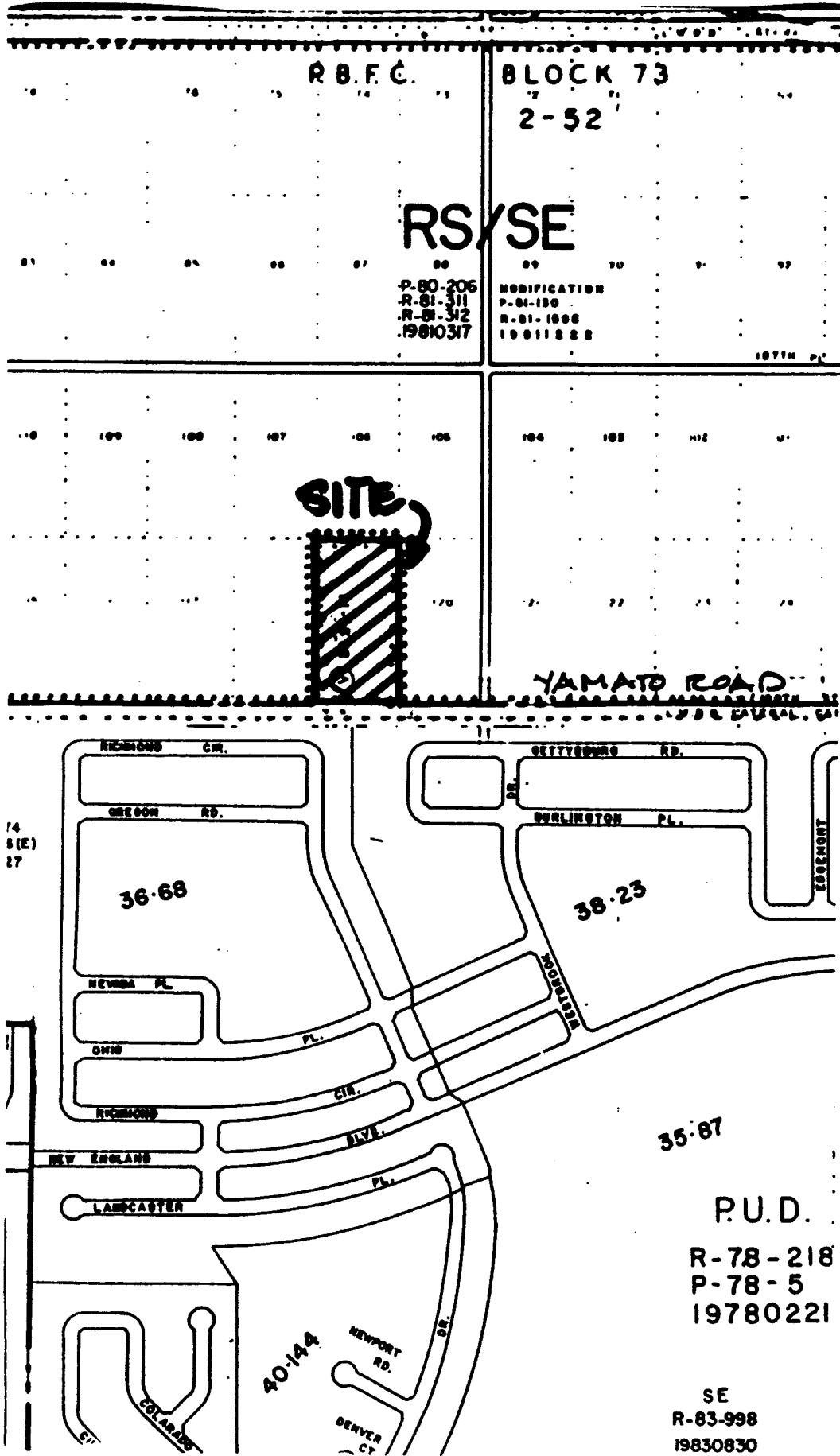
Said lands situate in Palm Beach County, Florida.

Containing **178,445** square feet/4.0965 acres, more or less.

Subject **to** easements, restrictions, reservations, covenants and rights-of-way **of** record.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: **97-69**
 Zoning Quad Page: **JUL 16 1997**
 Date: _____
FILE COPY

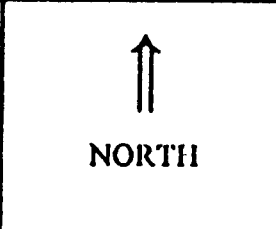


EXHIBIT C

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. The approved master plan is dated August 29, 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. ARCHITECTURAL CONTROL

1. All buildings and structures shall be designed **and** constructed to be compatible with the general architectural character of the surrounding residential areas. Compatibility may be accomplished by using a minimum of three (3) of ~~the~~ following:
 - a. similar materials for the building facades;
 - b. similar architectural details and features on the building elevations (i.e. louvers, decorative banding, pilasters or columns, loggia, etc.;
 - c. similar colors; **or,**
 - d. similar roof materials and treatment (i.e. pitched roof, dormers, etc.). (BLDG PERMIT: BLDG-Zoning)

2. The architectural design in the color rendering and conceptual site plan (Homewood Residence) by Earl Swensson, Architect, dated August 29, 1997 for the rendering and October 15, 1997 for the site plan, shall be used as a reference and may not be altered unless the proposed changes are required to meet or exceed conditions of approval, ~~or other applicable code requirements. The design of all buildings on the site shall provide variety and visual interest, and utilizing, but not limited to, the items below.~~

- ~~a. The exterior elevation of all buildings shall be varied by using:
 - 1) ~~varying the roof lines and floor elevations within the same building;~~
 - 2) ~~varying window treatments;~~
 - 3) ~~use of contrasting shapes and forms;~~
 - 4) ~~creation of points of interest on the exterior of the buildings (i.e. cupolas, entrances, vertical element, etc.);~~
 - 5) ~~overhangs and architectural projections to create shadows on the buildings exterior; and,~~
 - 6) ~~horizontally off-setting sections. (BLDG PERMIT : BLDG - Zoning)~~~~

- ~~b~~3. An overall unified image shall be created within the site by the use of common building elements such as consistent forms, colors, architectural details and landscape materials for all the buildings. (BLDG PERMIT : BLDG - Zoning)

- ~~e~~4. Similar architectural character and treatment shall **be** provided on all sides of the building. (BLDG PERMIT : BLDG - Zoning)

- ~~d~~5. Details on all sides of the building shall be repeated and be made to appear

functional and realistic (i.e. window and door trims, louvers, vents, pilasters, etc.). (BLDG PERMIT : BLDG - Zoning)

- e6. All building entries shall be easily identifiable. Entries shall be integrated into the building architecture. Exterior stairs shall be designed to provide shelter from inclement weather. (BLDG PERMIT : BLDG - Zoning)
- f7. All rooftop mechanical and electrical equipment shall be screened from view so as not to be visible from any property line. The equipment shall be completely screened by a full pitched roof for the buildings or portion of the buildings in excess of twenty (20) feet, as measured from finished grade to the highest point. (BLDG PERMIT : BLDG - Zoning)
- g8. Interior and exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (BLDG PERMIT: ~~MONITORING~~BLDG - Bldg Zoning)

C. SITE AND BUILDING DESIGN

1. The CLF shall be limited to a maximum of 53,241 square feet. Gross floor area may be increased an additional 5% or up to 1,000 square feet, whichever is less, subject to Development Review Committee (DRC) approval. (DRC: ZONING)
2. The CLF shall be limited to a maximum height of forty-five (45) feet, measured from finished grade to the highest point. (BLDG PERMIT: BLDG - Zoning)
3. The minimum setbacks for the all buildings and canopies from the north, east and west property lines shall be as follow. The setback shall vary depending on the building height. All building heights shall be measured from finished grade to the highest point:
 - a. a minimum of fifty-five (55) feet for all structures over thirty-five (35) feet;
 - b. a minimum of forty (40) feet for all structures below thirty-five (35) feet; and,
 - c. a minimum of thirty-five (35) for all canopies, porte-cocheres, or awnings; which are attached to the buildings and not exceeding twenty (20) feet in height. (BLDG PERMIT: BLDG - Zoning)
4. All ground mounted 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)
5. 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 fifty (150) feet of the north, east and west property lines and shall be confined to the areas designated on the site plan. (DRC/ONGOING: ZONING/CODE ENF)
6. Buildings exceeding one-story shall not be located on the north two hundred (200) feet of the property. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)

D. LANDSCAPING - STANDARD

1. All canopy 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. Diameters 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; **and,**
 - d. Credit may **be** given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve **(12)** feet clear trunk for non-native palms and ten **(10)** feet clear trunk for native. Trunks of all required native palms shall be booted;
 - b. Clusters: staggered heights ten **(10)** to eighteen **(18)** for native palms and twelve **(12)** to eighteen **(18)** feet for non-native palms; and
 - c. Credit may **be** given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

3. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a roadway construction easement to Palm Beach County at the Projects Entrance Road. Construction by the applicant within this easement shall conform to Palm Beach County Standards. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)

F. LANDSCAPE - INTERIOR

1. Foundation planting areas shall be provided along all facades of all structures. The minimum width of the required landscape islands shall be five (5) feet. **The** combined lengths of the required landscape areas shall be no less than **40% of** the total length of the applicable side of the structure. All required landscape areas shall be planted with a minimum of one **(1)** tree or palm every 20 linear feet and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

G. LANDSCAPING ALONG THE NORTH, EAST AND WEST PROPERTY LINES
(ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north, east and west property lines shall be upgraded to include:
 - a. A minimum twenty **(20)** foot wide landscape buffer strip. No reductions are allowed;
 - b. A six (6) foot high black vinyl coated chain link fence, setback a minimum of five (5) feet from the property line and,
 - c. Alternating on each side of the fence shall be 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 height of six (6) feet. (CO: LANDSCAPE)
2. In addition to the alternating shrub and hedge material as indicated above, one **(1)** canopy tree planted every twenty (20) feet on center shall be installed on the exterior side of the required fence. (CO: LANDSCAPE)
3. In addition to the alternating shrub and hedge material as indicated above, one **(1)** palm or pine tree for each twenty **(20)** linear feet, with a maximum spacing of sixty (60) feet on center shall be installed on the interior side of the required fence. (CO: LANDSCAPE)

H. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING YAMATO ROAD)

1. Landscaping and buffering along the south 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. A minimum one **(1)** to three (3) foot high undulating berm, with an average height of two **(2)** feet, measured from the top of the curb;
 - d. One **(1)** palm or pine tree for each thirty (30) linear feet of frontage; and,
 - e. 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 thirty-six (36) inches. (CO: LANDSCAPE)

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, including wall mounted lights, shall not exceed fifteen **(15)** 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. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

5. All utilities shall **be** underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)

J. SIGNS

1. Freestanding signs, including entrance wall signs, **fronting** on Yamato Road shall be limited as follow:
 - a. Maximum sign height, measured from finished grade to highest point - eight **(8)** feet;
 - b. Maximum sign face area per side - 32 square feet;
 - c. Maximum number of signs - one **(1)** located outside the median and within fifty **(50)** feet of the entrance; and,
 - d. Style - monument style only. (CO: BLDG)

K. USE LIMITATIONS

1. The CLF shall **be** limited to a maximum of seventy-eight (78) residents. (DRC: BLDG/HEALTH - Zoning)
2. Construction hours shall not commence prior to **7:00** a.m. or continue later than **7:00** p.m. Monday through Friday and **9:00** a.m. through **5:00** p.m. on Saturday. No construction activities permitted on Sunday. (ONGOING: CODE ENF - Zoning)
3. Deliveries, other than emergency medical supplies **or** services shall **not** be allowed to the site prior to **7:00** a.m. nor continue later than **6:00** p.m. Monday through Friday and **9:00** a.m. through **5:00** p.m. on Saturday. No deliveries on Sunday except for medical emergency provisions. (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 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 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)