

RESOLUTION NO. R-99- 2265

RESOLUTION APPROVING ZONING PETITION DOA79-182(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF CHILDREN'S HOME SOCIETY
BY DAVID CARPENTER, AGENT
(CHILDREN'S HOME SOCIETY)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA79-182(B) was presented to the Board of County Commissioners at a public hearing conducted on December 2, 1999; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, 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 DOA79-182(B), the petition of Children's Home Society, by David Carpenter, agent, for a Development Order Amendment (DOA) to add land area, reconfigures site plan, re-designate land uses, add building square footage and to allow a type 3 congregate living facility 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on December 2, 1999, 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 Masilotti and, upon being put to a vote, the vote was as follows:


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

The Chair thereupon declared that the resolution was duly passed and adopted on December 2, 1999.

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

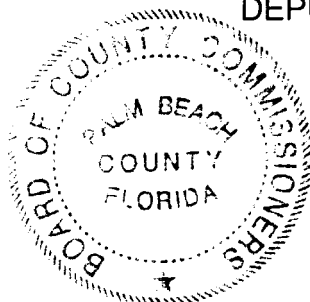


EXHIBIT A

LEGAL DESCRIPTION

THE WEST 1/2 OF LOT 3, BLOCK 4, SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST, OF PALM BEACH PLANTATIONS, PLAT 1 ACCORDING TO THE PLAT THEREOF, RECORDED ON PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE NORTH 49.50 FEET (TAKEN BY THE LAKE WORTH DRAINAGE DISTRICT PURSUANT TO PALM BEACH COUNTY CIRCUIT COURT CHANCERY CASE NO. 407, RECORDED IN THE OFFICIAL RECORD BOOK 6495, PAGE 761, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA)

LOT 9, 10, AND 11 OF LAKEWOOD, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 23 PAGE 227, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THAT PORTION OF LOTS 10 AND 11 TAKEN BY PALM BEACH COUNTY FOR ROAD RIGHT-OF-WAY PROPOSED (PARCEL 136.1) AS DESCRIBED IN ORDER OF TAKING RECORDED SEPT. 26, 1979. IN OFFICIAL RECORD BOOK 3143, PAGE 999, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND LESS THAT PORTION OF LOTS 9 AND 11 CONVEYED TO PALM BEACH COUNTY FOR ROAD RIGHT-OF-WAY DEED RECORDED JUNE 9, 1980, IN OFFICIAL RECORD BOOK 3305, PAGE 132, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND LESS THAT PORTION OF LOT AND 11 CONVEYED TO PALM BEACH COUNTY FOR RIGHT-OF-WAY PER RIGHT-OF-WAY DEED RECORDED DECEMBER 23, 1991, IN OFFICIAL RECORD BOOK 7063, PAGE 1674, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. AND

SUBJECT TO RESERVATIONS, EASEMENTS, AND RIGHT-OF-WAY OF RECORD CONTAINING 9.87 ACRES MORE OR LESS

EXHIBIT B

VICINITY SKETCH

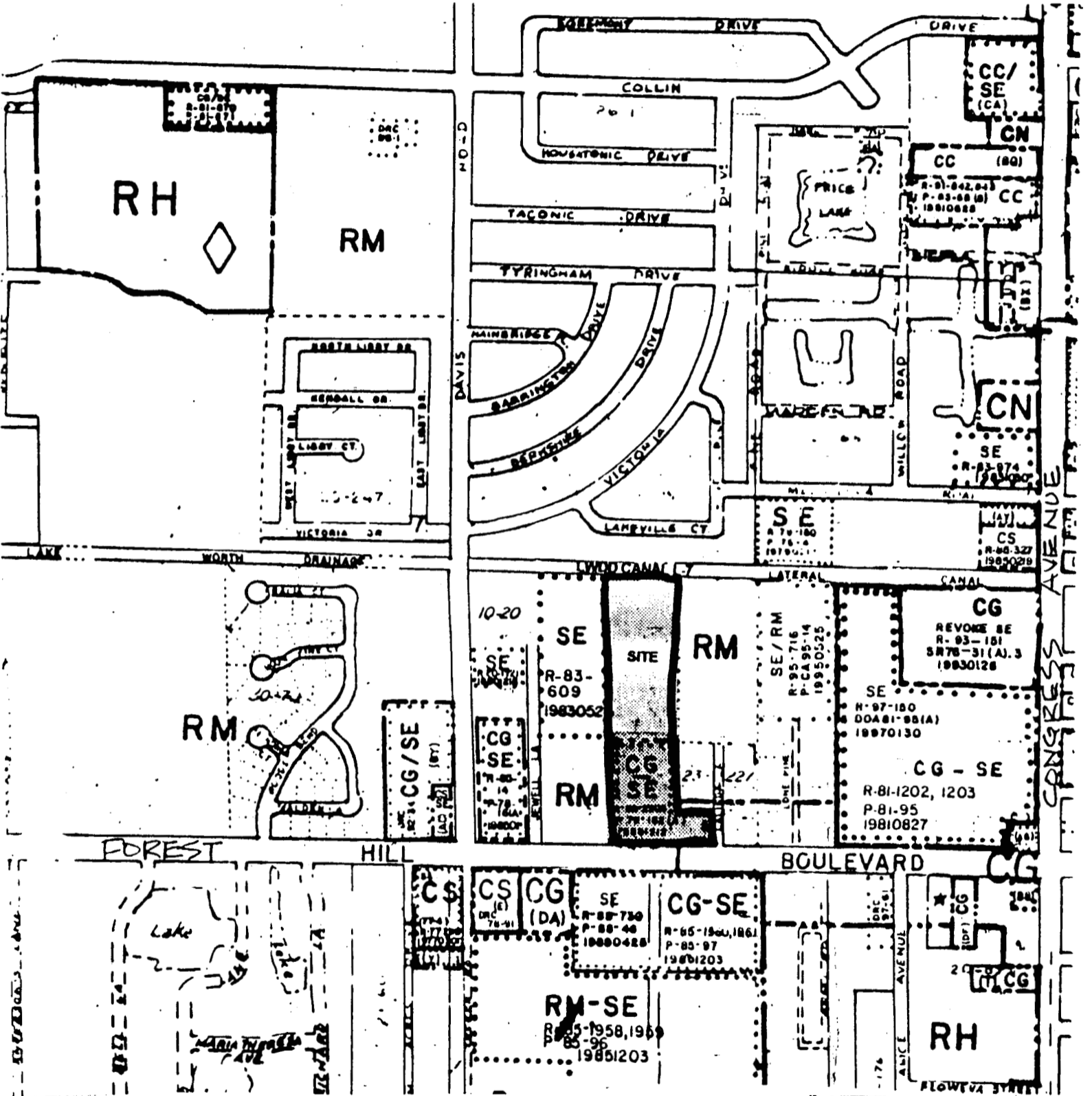


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All conditions of approval contained in Resolutions R-89-2206, (Petition 79-182(A), are hereby repealed (79-182, R-79-1252 was previously repealed, and shall remain repealed). The approval granted by Resolutions R-89-2206, (Petition 79-182(A), however, shall remain in full force and effect. (MONITORING)
2. 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 August 25, 1999. 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 - OFFICE BUILDING

1. Architectural character and treatment for the 30,000 square foot office building shall be provided on all sides of the structure. These features shall include, but are not limited to, the following:
 - a. Varied roof lines within the same building. All roof lines shall not run in continuous place for more than one hundred fifty (150) feet without offsetting or jogging the roof plan. The jog shall be a minimum of five (5) feet in depth;
 - b. Varied window treatments (i.e. transoms, glass block, window types, trims, etc.);
 - c. Contrasting shapes and forms within the building mass including off setting of vertical or horizontal planes;
 - d. Focal points or points of interest (i.e. cupolas, loggias, entrances, vertical elements, chimneys, etc.); and
 - e. Varied architectural details (i.e. columns, pilasters, vents decorative trims and moldings, stucco or horizontal banding, decorative railings decorative accent tiles, etc.). (DRC: ZONING - Bldg)

C. BUILDING AND SITE DESIGN

1. The minimum setback for all structures adjacent to the north property line shall be two hundred (200) feet. (DRC: ZONING)
2. 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 principal structure or equivalent landscape material. (CO: BLDG - Zoning)
3. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)
4. Prior to final site plan approval the site shall be redesigned to indicate a maximum of two (2) driveways. (DRC: ZONING - ENG)

D. CONGREGATE LIVING FACILITY

1. The CLF shall be limited to a maximum of 82 Type III CLF beds. (DRC: BUILDING/ HEALTH - Zoning)
2. The maximum height for the CLF, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed twenty-five (25) feet. (BLDG PERMIT: BLDG - Zoning/ Planning)

E. ENGINEERING

1. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Forest Hill Boulevard Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, 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. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material 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. (BLDG PERMIT: MONITORING - Eng)
- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owner's expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing 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'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. All landscape material shall be installed prior to issuance of a certificate of occupancy. (CO: MONITORING-Eng)
- c. If the County does not assume maintenance responsibility, the property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

F. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site adjacent to the right-of-way, shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (~~14~~) feet;
 - b. Trunk diameter: 3.5 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; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. Credit may be given for existing or relocated trees and native understory provided they meet current ULDC standards pursuant to Section 7.3.E. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE NORTH PROPERTY LINE

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 twenty-five (25) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for twenty-five (25) percent of the canopy trees in that location;
 - c. One (~~1~~) additional palm or pine tree for each thirty (30) linear feet of PROPERTY LINE, with a maximum spacing of sixty (60) feet between clusters; 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 thirty-six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING FOREST HILL BOULEVARD)

1. Landscaping and buffering along the east 300 feet of the south property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. One (1) canopy tree shall be planted every twenty (20) feet on center;
 - d. One (~~1~~) palm tree or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
 - e. Twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE EAST PROPERTY LINE (ACROSS FROM RESIDENTIAL)

1. Landscaping and buffering along the east property line shall include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. A continuous two (2) foot high berm measured from top of curb;
- c. One (1) canopy tree for each twenty (20) linear feet of PROPERTY LINE with a maximum spacing of twenty-five (25) feet between clusters;. A group of three (3) or more palm or pine trees may supersede the requirement for a canopy tree in that location. A maximum fifty (50%) percent of the required canopy trees within the buffer may be replaced by the palm or pine tree clusters;
- d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. Twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

J. 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)

K. MASS TRANSIT

- 1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)
- 2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer.

Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING - Eng)

L. MUPD

- 1. Total gross floor area shall be limited to a maximum of 62,358 square feet. Expansion, including requested uses, shall be limited to five percent (5%) or 1,000 square feet, whichever is less subject to Traffic Division approval. (DRC: ZONING)

2. To ensure consistency with the site plan dated August 25, 1999 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING)
3. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure. (BLDG PERMIT: BLDG - Zoning)
4. Prior to final certification of the preliminary development plan by the Development Review Committee, the property owners shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)
5. Prior to final certification of the preliminary development plan by the Development Review Committee, the property owners shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

M. PLANNING

1. The northern 5.77 acre portion of the site, as described in the legal description for the ordinance approving Future Land Amendment 99-SCA72 INST 1 shall be limited to a Congregate Living Facility (CLF) or other non-residential uses permitted in a residential land use designation. (DRC/ONGOING: PLANNING-Zoning)

N. SIGNS

1. Point of purchase freestanding sign fronting on Forest Hill Boulevard for the office building and CLF shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only. (CO: BLDG)
2. Point of purchase freestanding sign fronting on Forest Hill Boulevard for the existing retail building, if replaced, shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1);

- d. Style - monument style only.(CO: BLDG)

O. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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: MONITORING - 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; 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 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)