

RESOLUTION NO. R-99- 2266

RESOLUTION APPROVING ZONING PETITION PDD99-042  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT(PDD)  
PETITION OF STRATA DEVCO  
BY ROBERT BENTZ, AGENT  
(STRATA DEVCO)

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 PDD99-042 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, 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) with approved conditions 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) with approved conditions 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) with approved conditions 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) with approved conditions 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 PDD99-042, the petition of Strata Devco by Robert Bentz, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with medical office and congregate living facility type 3 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 December 2, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson 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

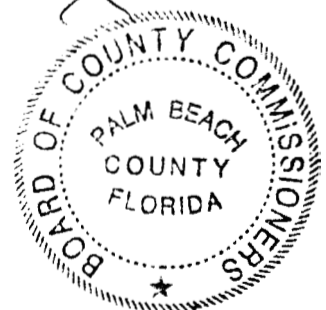


EXHIBIT A

LEGAL DESCRIPTION

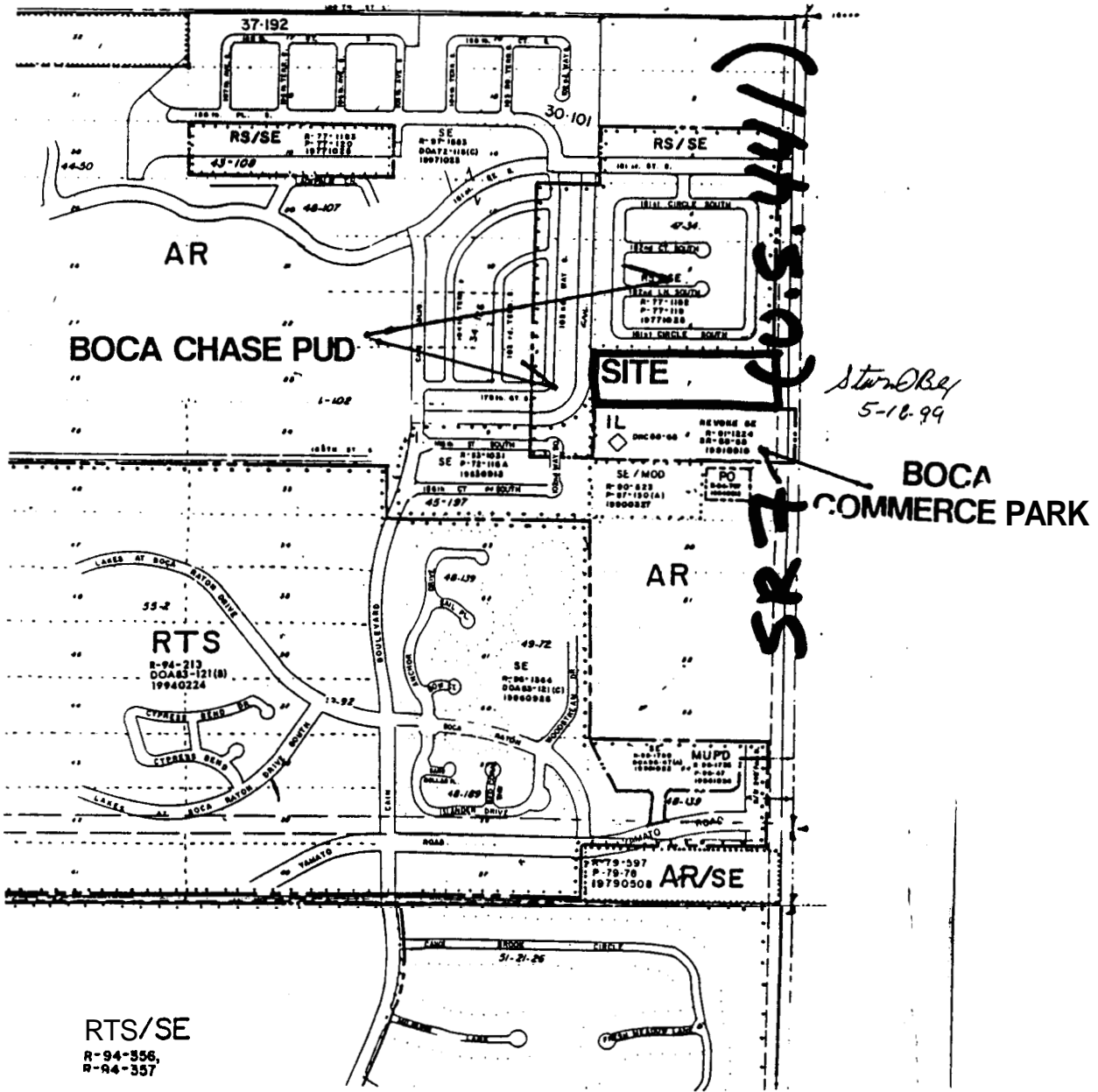
TRACT 7, FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 2, ACCORDING TO THE PLAT THEREOF. AS RECORDED IN PLAT BOOK I, PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE FOLLOWING DESCRIBED PARCEL:

A PORTION OF TRACT 7, FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND COUNTY BRASS DISC IN CONCRETE MARKING THE NORTHEAST CORNER OF SAID SECTION 1; THENCE SOUTH  $89^{\circ}10'16''$  WEST ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 0.224 METERS (0.74 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515; THENCE SOUTH  $01^{\circ}12'49''$  EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 147.247 METERS (483.09 FEET); THENCE SOUTH  $01^{\circ}02'37''$  EAST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 536.141 METERS (1,758.99 FEET); THENCE SOUTH  $88^{\circ}57'23''$  WEST AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515 AND THE POINT OF BEGINNING; THENCE SOUTH  $01^{\circ}02'37''$  EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 144.15 METERS (376.03 FEET) TO A POINT ON THE SOUTH LINE OF SAID TRACT 7; THENCE SOUTH  $89^{\circ}25'14''$  WEST ALONG SAID SOUTH LINE, A DISTANCE OF 38.102 METERS (125.01 FEET); THENCE NORTH  $01^{\circ}02'37''$  WEST ALONG A LINE 60.960 METERS (200.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 114.512 METERS (375.69 FEET) TO A POINT ON THE NORTH LINE, A DISTANCE OF 38.102 METERS (125.01 FEET) TO THE POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### 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 November 17, 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. BUILDING AND SITE DESIGN

1. The CLF shall be limited to a maximum of 127 Type III CLF beds. (DRC: BUILDING / HEALTH- Zoning/ Planning)
2. The CLF shall be limited to a maximum of 87,200 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) and Traffic Division's approval. (DRC: ZONING)
3. The medical office building shall be limited to 23,225 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) and Traffic Division's approval. (DRC: ZONING)
4. The maximum height for all structures except the northern portion of the CLF building, including all air conditioning and mechanical equipment, and satellite dishes measured from finished grade to highest point, shall not exceed thirty (30) feet. (BLDG PERMIT: BLDG - Zoning)
5. The maximum height for the northern portion of the CLF building, including all air conditioning and mechanical equipment, including satellite dishes measured from finished grade to highest point, shall not exceed twenty five (25) feet. (BLDG PERMIT: BLDG - Zoning)
6. All air conditioning and mechanical equipment, including satellite dishes, 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)
7. The northern portion of the CLF building shall be restricted to one story and the petitioner shall revise the site plan to reflect this change prior to final DRC certification of the site plan. (DRC: ZONING)
  - a. Prior to final DRC certification of the site plan, the petitioner shall submit an architectural elevation of the CLF and the Medical office building to the Zoning Division, Public Hearing Section for review. (DRC: ZONING)

#### C. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on the site by this approval shall meet the following minimum standards at installation:

- a. Tree height: twelve (12) feet
  - b. Trunk diameter: 2.5 inches measured 3 feet above grade;
  - c. Canopy diameter: six (6) 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 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;
  - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; 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 (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the west property line shall be upgraded to include:
- a. A minimum twenty (20) foot wide landscape buffer strip;
  - b. A continuous two (2) foot high berm measured from top of curb;
  - c. A minimum six (6) foot high opaque concrete wall to be placed on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
- a. One (1) canopy tree planted every twenty (20) feet on center;
  - b. One (1) palm or pine tree for each twenty (20) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters; and
  - c. Twenty four (24) 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. (CO: LANDSCAPE)
3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

E. ENGINEERING

1. The Property owner shall lengthen:
- a. The proposed left turn lane north approach on SR 7 at Spanish Isles Boulevard to a minimum distance of 240 feet plus a taper length of 125 feet.

- b. The proposed left turn lane south approach on SR 7 (Station 288) to a minimum distance of 265 feet plus a taper length of 50 feet.
  1. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
  2. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
  3. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

2. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- A. Prior to issuance of a building permit, the property owners shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7 Road 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 owners 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 January 1, 2001. (DATE: MONITORING-Eng)

- C. If the County does not assume maintenance responsibility, the property owners 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)

3. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF SR 7

- a. Prior to issuance of a building permit, the property owners shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide cutouts within the concrete median of SR 7 road right-of-way contiguous to the frontage. 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 Concrete Median Cutout; Landscape and Paver Block Installation Agreement, including appropriate Maintenance, Removal, and Indemnification agreements. When landscape plantings and the installation of paver blocks are permitted by the Florida Department of Transportation, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species and paver block material other than those listed in the County standards may be allowed subject to approval by the Florida Department of Transportation. (BLDG PERMIT: MONITORING - Eng.)
- b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material, paver block or similar materials shall be funded at the property owners 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. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out area. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out areas. All landscape material shall be installed prior to January 1, 2001. (DATE: MONITORING - Eng)
- c. If the County does not assume maintenance responsibility, property owners 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)

4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- 1) No Building Permits shall be issued until construction has begun for the:
  - a) Widening of SR 7 as a 6 lane median divided facility from West Atlantic Avenue to Kimberly Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)



F. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING SR7/US441)

1. Landscaping and buffering along the east 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 planted every thirty (30) feet on center;
  - d. One (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
  - e. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINES (ACROSS FROM INDUSTRIAL)

1. Landscaping and buffering along the north and south property lines 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. A maximum of 300 linear feet of the continuous berm may be exempted in area adjacent to the lake. Prior to final DRC certification of the site plan, the petitioner is required to submit a cross-section with existing and proposed grades of this area to the Public Hearing Section, Zoning Division for review ;
  - c. A minimum six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment.
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
  - a. One (1) canopy tree planted every twenty (20) feet on center;
  - b. One (1) palm or pine tree for each twenty (20) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters; and
  - c. Twenty four (24) 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. (CO: LANDSCAPE)
3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING - INTERIOR

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)

2. Landscaped divider medians shall be provided between all rows of abutting parking. The minimum width of this median shall be nine (9) feet. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center. (DRC: ZONING)

I. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, 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. 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)

J. 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 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 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. (BLDG PERMIT: MONITORING - Eng)

K. PLANNING

1. The rear 7.03 acres of the site shall be limited to a Congregate Living Facility (CLF) or other non-residential use permitted in a residential land use category. (DRC/ONGOING: PLANNING-Zoning)

L. SIGNS

- I. Freestanding point of purchase sign fronting on SR7/US441 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); and
  - d. Style - monument style only, (CO: BLDG)
2. Wall signs shall be permitted on the east facades only(CO: BLDG)

M. 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)