

RESOLUTION NO. R-2010- 0964

RESOLUTION APPROVING ZONING APPLICATION DOA/EAC-2010-01107  
(CONTROL NO. 2005-00599)  
APPLICATION OF Palm Beach County Planning  
BY Palm Beach County, AGENT  
(Northlake CLF)

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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application DOA/EAC-2010-01107 was presented to the Board of County Commissioners at a public hearing conducted on June 24, 2010; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant 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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a .

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application DOA/EAC-2010-01107, the petition of Palm Beach County Planning, by Palm Beach County, agent, for a Development Order Amendment in the MUPD 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 June 24, 2010, 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 Vana and, upon being put to a vote, the vote was as follows:

Commissioner Burt Aaronson, Chair	- Aye
Commissioner Karen T. Marcus, Vice Chair	- Aye
Commissioner Jeff Koons	- Aye

Commissioner Shelley Vana -  
Commissioner Steven L. Abrams - Aye  
Commissioner Jess R. Santamaria - Aye  
Commissioner Priscilla A. Taylor - Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 24, 2010.

Filed with the Clerk of the Board of County Commissioners on June 25th, 2010.


This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

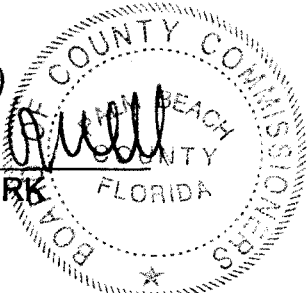


EXHIBIT A

LEGAL DESCRIPTION

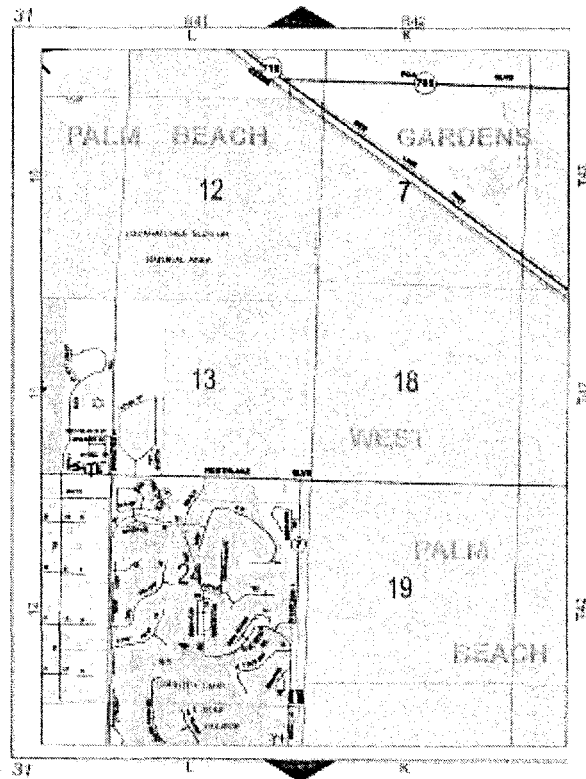
DESCRIPTION OF PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICAL RECORD BOOK 10471, PAGES 349 THROUGH 352, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST; THENCE RUN SOUTH  $01^{\circ} 28' 43''$  WEST, ALONG THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 4214.42' TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH  $01^{\circ} 28' 43''$  WEST, ALONG SAID EAST LINE, A DISTANCE OF 397.99' TO THE NORTH RIGHT-OF-WAY LINE OF NORTH LAKE BOULEVARD, AS NOW LAID OUT AND IN USE; THENCE NORTH  $89^{\circ} 02' 40''$  WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1068.34', THENCE NORTH  $01^{\circ} 50' 08''$  EAST, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 409.18'; THENCE SOUTH  $88^{\circ} 26' 41''$  EAST, A DISTANCE OF 1065.75' TO THE POINT OF BEGINNING.

CONTAINING 430,584 SQUARE FEET OF 9.885 ACRES, MORE OR LESS.

BEARINGS SHOWN ON SURVEY ARE BASED ON THE EAST LINE OF SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST, BEARING SOUTH  $01^{\circ} 28' 43''$  WEST

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Previous All Petition Condition 1 of Resolution R-2009-1361, (Control No. 2005-599) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2007-430 Control 2005-599 and Resolution R-2007-431 Control 2005-599, have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

Is hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2009-1361, (Control No. 2005-599), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. The approved site plan is dated June 15, 2009. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning) (Previous All Petitions Condition 2 of Resolution R-2009-1361, (Control No. 2005-599)).

3. Prior to final plan approval by the Development Review Officer (DRO), the plan shall be revised to relabel the areas labeled future development as "open space". (DRO: ZONING - Zoning) (Previous All Petitions Condition 3 of Resolution R-2009-1361, (Control No. 2005-599)).

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning) Previous ARCH Review Condition 1 of Resolution R-2009-1361, (Control No. 2005-599).

2. At time of submittal for final Development Review Officer (DRO) approval, the site plan shall be amended to indicate a shaded walkway between the two Medical or Dental offices. The walkway shall include:

- a. a minimum one hundred (100) feet of shade structure;
- b. a minimum six (6) foot in width, and;
- b. two (2) six (6) foot benches located along the walkway.

The structure may be connected to the dumpster enclosures and may be in multiple units totaling the minimum noted above. Development shall be consistent with the approved drawings as indicated on the Regulating plan. (DRO: ARCH REVIEW - Zoning) Previous ARCH Review Condition 2 of Resolution R-2009-1361, (Control No. 2005-599).

#### ENGINEERING

1. No building permits for the site shall be issued after December 31, 2013. A time extension for this condition may be approved by the County Engineer based upon an

approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Eng) (Previous Engineering Condition 1 of Resolution R-2009-1361, Control No. 2005-599)

2. Prior to issuance of a building permit the property owner shall provide a temporary roadway construction easement along Northlake Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT: MONITORING-Eng)  
(Previous Engineering Condition 2 of Resolution R-2009-1361, Control No. 2005-599)

3. Landscape Within the Median of Northlake Boulevard

a. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Northlake Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph d below.

b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)

d. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING:ENGINEERING-Eng)

e. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Northlake Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING:ENGINEERING-Eng)

(Previous Engineering Condition 3 of Resolution R-2009-1361, Control No. 2005-599)

4. Prior to May 1, 2007 or prior to final site plan approval, whichever shall first occur, the property owner shall record an access easement to Palm Beach County. This easement shall be 80 feet in width and shall be located along this parcel's east property line on an

alignment approved by the County Engineer (DATE/DRO:MONITORING-Eng)  
(Previous Engineering Condition 5 of Resolution R-2009-1361, Control No. 2005-599)  
[Note: COMPLETED]

5.The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING:ENGINEERING-Eng)  
(Previous Engineering Condition 6 of Resolution R-2009-1361, Control No. 2005-599)

6.Prior to Final Site Plan approval, the property owner shall revise the site plan to align the centerline of the onsite drive aisle with the centerline of the cross access connection to the Osprey Isles Boulevard, if the connection is required. (DRO:ENGINEERING-Eng)  
(Previous Engineering Condition 7 of Resolution R-2009-1361, Control No. 2005-599)

7.The Property Owner shall construct a right turn lane east approach on Northlake Boulevard at Osprey Isles Boulevard. This construction shall be concurrent with the paving and drainage improvements for Phase II, as shown in application DOA/R-2009-565. 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, acquisition of any additional required right-of-way and required drainage modifications. If any additional required right-of-way cannot be acquired from the Osprey Isles Homeowner's Association, the Property Owner shall be relieved of this condition.

a.Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit for Phase II. (BLDG PERMIT: MONITORING-Eng)

b.Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase II. (CO: MONITORING-Eng)  
(Previous Engineering Condition 8 of Resolution R-2009-1361, Control No. 2005-599)

8.Prior to issuance of the first building permit for Phase II, the property owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from the right turn lane east approach on Northlake Boulevard at Osprey Isles Boulevard as well as the segment of Northlake Boulevard that will drain to the right turn lane. The limits of the drainage shall be approved by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. If legal positive outfall is alternatively available, as determined by the County Engineer and certified by the project engineer, no drainage easements shall be required through the project's internal drainage system. (BLDG PERMIT: MONITORING-Eng)

(Previous Engineering Condition 9 of Resolution R-2009-1361, Control No. 2005-599)

#### ENVIRONMENTAL

1.All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING:ERM-ERM) (Previous Condition No. ERM-1 of Resolution No. R-2009-1361, Control No. 2005-599)

2.A preserve management plan shall be approved by ERM prior to final approval by the Development Review Officer (DRO). The preserve management plan must include all preserve areas within the development. A Conservation Easement, or other instrument approved by ERM shall be required for all preserve areas prior to approval of the Preserve Management Plan. (DRO:ERM-ERM) (Previous Condition No. ERM-2 of Resolution No. R-2009-1361, Control No. 2005-599)

#### HEALTH

1.The site shall be served by sanitary sewer and a community water system. Neither an onsite sewage treatment and disposal system (OSTDS) nor potable water wells shall be approved for use on the property. All existing (OSTDS) shall be abandoned in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I. All existing onsite potable water supply systems shall be abandoned in accordance with Chapter 64E-8, FAC and Palm Beach County ECR-II. (ONGOING: HEALTH- Health) (Previous condition Health 1. of Resolution R-2009-1361; Control 2005-599)

2.Property owners and operators of facilities generating industrial, hazardous, or toxic wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF- Health) (Previous condition Health 2. of Resolution R-2009-1361; Control 2005-599)

#### LANDSCAPE - GENERAL

1.Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 1 of Resolution R-2009-1361, (Control No. 2005-599)

2.A minimum of seventy-five (75) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- b. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- c. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning)  
Previous Landscape Condition 2 of Resolution R-2009-1361, (Control No. 2005-599).

3.All palms required to be planted on the property 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. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 3 of



Resolution R-2009-1361, (Control No. 2005-599).

4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 4 of Resolution R-2009-1361, Control No. 2005-599)

5. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 5 of Resolution R-2009-1361, Control No. 2005-599)

#### **PALM TRAN**

1. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT:ENG -Palm Tran)

#### **PLANNING**

1. Planning Condition 1 of Resolution 2009-1361 (Control No. 2005-0599) that currently reads:

If developed utilizing the CL-0 land use, the subject site shall be limited to a Maximum 75,000 sq ft of Self -Storage and a maximum 75,000 sq ft of Office and/or Work/Live or Residential Units. (ONGOING: PLANNING - Planning)

Is hereby deleted [REASON: No longer applicable]

2. Planning Condition 2 of Resolution 2009-1361 (Con # 2005-0599) that currently reads:

The density associated with the High Residential, 8 units per acre (HR-8), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF) with a maximum capacity of 125 beds. If developed residentially, other than as a CLF, the density shall be limited to Low Residential one unit per acre or LR-1. (ONGOING: PLANNING - Planning)

Is hereby amended to read:

The subject site shall only be utilized for the development of a Congregate Living Facility (CLF) with a maximum of 125 beds, and a maximum 10,600 square feet of Medical Office use  
(ONGOING: PLANNING - Planning)

#### **SIGNS**

1. Freestanding sign for the subject property shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point eight (8) feet;
- b. maximum sign face area per side - thirty-two (32) square feet;
- c. maximum number of signs -two (2) for the Northlake Boulevard frontage (no more than one sign may be utilized by the requested use); and,
- d. style - monument style only. (BLDG PERMIT: BLDG - Zoning) Previous Sign Condition 1 of Resolution R-2009-1361, (Control No. 2005-599).

2. All illegal signs shall be removed prior to final approval of the site plan. (DRO: ZONING) Previous Sign Condition 2 of Resolution R-2009-1361, (Control No. 2005-599).

## **SITE DESIGN**

1. 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 thirty (30) feet of the south property line and shall be confined to the areas designated on the site plan. (DRO ZONING - Zoning) Previous Site Design Condition 1 of Resolution R-2009-1361, (Control No. 2005-599)

2. Prior to final approval by the Development Review Officer (DRO), The Site Plan dated June 15, 2009 shall be revised to indicate a drop-off area for group transportation, such as vans or similar vehicles. (DRO: ZONING-Zoning) Previous Site Design Condition 2 of Resolution R-2009-1361, (Control No. 2005-599).

## **USE LIMITATIONS**

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property, except within designated loading and delivery areas. (ONGOING: CODE ENF - Zoning) (Previous Use Limitation Condition 1 of Resolution R-2009-1361, Control No. 2005-599)

## **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) (Previous Compliance Condition 1 of Resolution R-2009-1361, Control No. 2005-599)

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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning) (Previous Compliance Condition 2 of Resolution R-2009-1361, Control No. 2005-599)