

RESOLUTION NO. R-2012- 0608

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/R/TDR-2011-02634
(CONTROL NO. 1981-00013)

an Official Zoning Map Amendment to a Planned Development District
APPLICATION OF The Cottages of the Palm Beaches
BY Urban Design Kilday Studios, AGENT
(Lake Worth Road 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 ZV/PDD/R/TDR-2011-02634 was presented to the Board of County Commissioners at a public hearing conducted on April 26, 2012; 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.1.B.

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 ZV/PDD/R/TDR-2011-02634, the application of The Cottages of the Palm Beaches, by Urban Design Kilday Studios, agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Commercial High Office (CHO) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District 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 in EXHIBIT B, attached hereto and made a part hereof, was approved on April 26, 2012 subject to the conditions described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Chair	-	Aye
Commissioner Steven L. Abrams, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Absent
Commissioner Paulette Burdick	-	Aye
Commissioner Burt Aaronson	-	Absent
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 26, 2012.

Filed with the Clerk of the Board of County Commissioners on May 9th, 2012.

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

Lake Worth Road CLF

LEGAL DESCRIPTION

(Official Record Book 23842, Page 1919)

Commencing at the intersection of the North Right OF Way line of State Road no. S-802 (Lake Worth Road) and the East line of Tract 115, Block 23, PALM BEACH FARMS COMPANY, Plat No. 3, as recorded in Plat Book 2, Pages 45 thru 54, Palm Beach County, Florida; said point being 56.70 feet North of the South East corner of Tract 115, Block 23, the Point of Beginning; thence N 00°38'23" E (assumed bearing) 603.30 feet to the North East corner of Tract 115, thence N 89°23'46" W (assumed bearing), a distance of 330.0 feet to the North West corner of Tract 115 and the North East corner of Tract 114, Block 23, continue West along the same line a distance of 160.57 feet to a point which is 490.57 feet west of the North East corner of Tract 115, Block 23; thence S 00°36'16" W a distance of 553.09 feet to a point 100 feet North of the center line of Lake Worth Road; thence S 89°19'34" E a distance of 160.35 feet to a point; thence S 00°44'46" W a distance of 49.85 feet to a point which is a point on the East line of Tract 114, Block 23, and 50 feet North of the center line of State Road S-802; thence S 89°22'07" E a distance of 329.97 feet to the point of beginning.

Less and Except the East 40 Feet as dedicated to Palm Beach County in Plat No.1 Meed Racquet Club P.U.D., as recorded in Plat Book 31, Pages 15-19, of the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

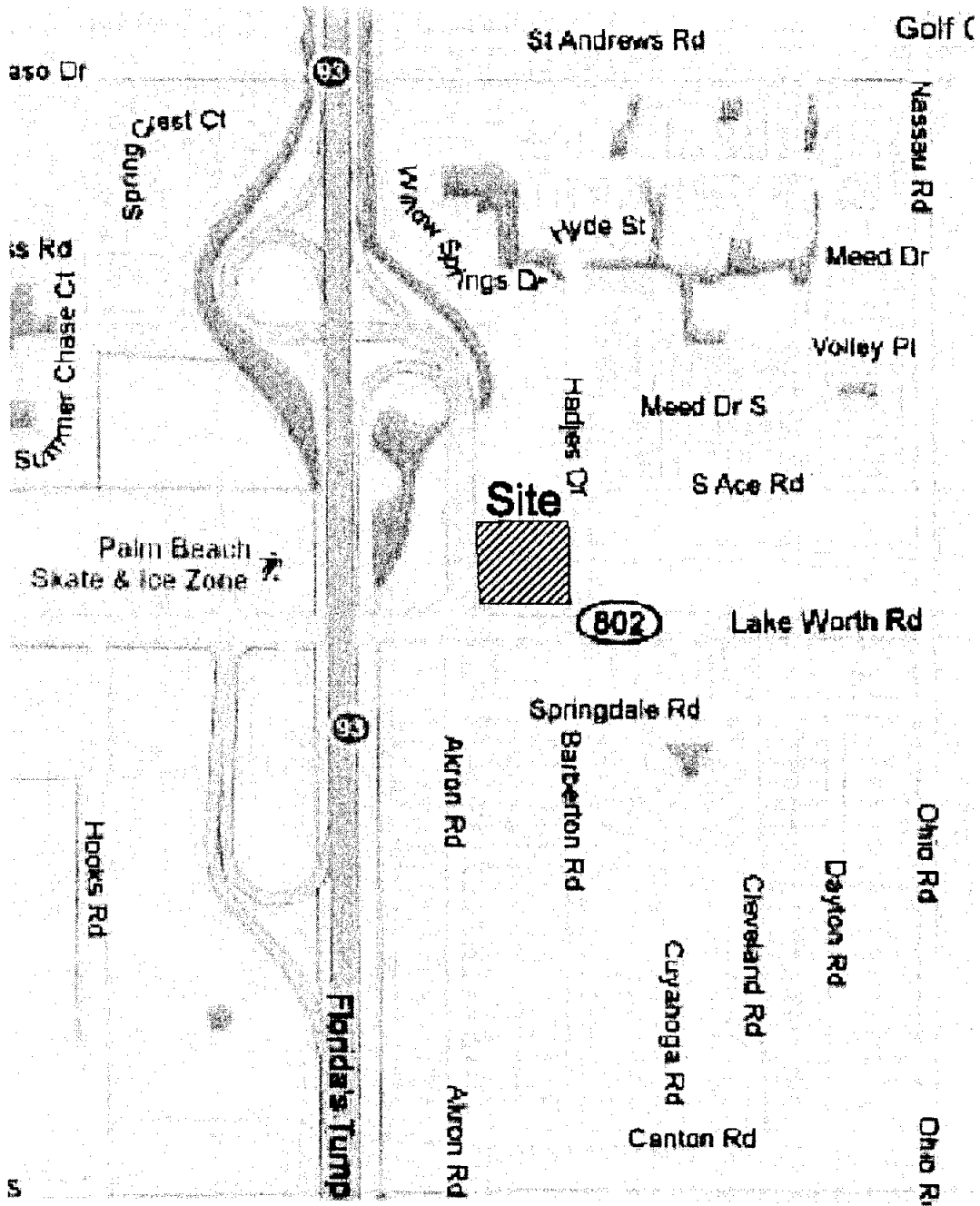


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated January 23, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (DRO: ZONING - Zoning)

2. The existing hotel may continue to operate until October 1, 2012 or the issuance of a Business Tax Receipt of a Type III Congregate Living Facility, whichever occurs first. (DATE/ONGOING- MONITORING-Zoning)

ENGINEERING

1. The property owner shall provide to the Florida Department of Transportation (FDOT), a road right-of-way deed and all associated documents as required by FDOT for Lake Worth Road for a future right turn lane at the Florida Turnpike. All right-of-way deed(s) and associated documents shall be provided and approved prior to April 26, 2013. The right-of-way conveyance shall be approximately 12 feet in width and shall extend approximately 120 feet along the project's southwestern frontage abutting Lake Worth Road. The actual dimensions of the right-of-way conveyance shall be determined by FDOT based on a concept drawing of the future right turn lane. The right-of-way conveyance shall be free and clear of all encumbrances and encroachments unless otherwise approved by the County Engineer and FDOT. Property owner shall provide FDOT with sufficient documentation, typically including a sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from tax collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (DATE: MONITORING-Eng)

2. Prior to April 26, 2013, the property owner shall create a lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (DATE: MONITORING-Eng)

LANDSCAPE - GENERAL

1. At time of submittal for final approval by the Development Review Officer, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all landscape related conditions of approval as contained herein. (DRO: LANDSCAPE - Zoning)

2. The owner shall provide the Zoning Director a letter and pictures, confirming fencing, gates and security system as conditioned herein, has been permitted and installed prior to occupancy of the buildings. (ONGOING- ZONING-Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

3. The landscape buffer along the north property line shall be upgraded to include:
a. A minimum twenty (20) foot wide landscape buffer strip. Buffer width may be reduced to thirteen (13) feet adjacent to the existing tennis courts, subject to an alternative buffer approval by the Board of County Commissioners;

- b. Shade trees shall be installed at twenty (20) feet on center;
- c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- d. An eight (8) foot high "Anti-Climb" vinyl coated fence or concrete panel wall;
- e. The minimum spacing for large shrubs shall be twenty four (24) inches on center;
- f. All other plant materials shall comply with the requirements for a Type III Incompatibility buffer.

(DRO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF AND LAKE WORTH ROAD)

4. The landscape buffer along the south property line shall be upgraded to include:
- a. a minimum twenty (20) foot wide landscape buffer strip; except in areas where Variances are approved;
 - b. Foxtail Palms shall be installed in place of canopy trees within the five (5) foot wide buffer area of the landscape buffer, and to be planted a maximum of twenty (20) feet on center with a minimum of ten (10) foot of grey wood;
 - c. a six (6) foot high metal railing fence; and,
 - d. small, medium, and large shrubs shall be installed in accordance with the requirements for a Right-of-Way buffer; except in areas where Variances are approved. (DRO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF HADJES ROAD)

5. The landscape buffer along the east property line shall be upgraded to include:
- a. a minimum fifteen (15) foot wide landscape buffer strip. Compliance with this condition will not prohibit the property owner from requesting a variance or an alternative acceptable to the Zoning Director in accordance with Article 7 of the ULDC;
 - b. a six (6) foot high metal railing fence with gates at each access point along Hadjes Road. Gates shall be provided with controlled access, including but not limited to, call-box, key access pad, or card reader to provide security for the facility; and,
 - c. all plant materials shall comply with a Right-of-Way buffer. (DRO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF THE FLORIDA TURNPIKE)

6. The landscape buffer along the west property line shall be upgraded to include:
- a. a minimum twenty (20) foot wide landscape buffer strip. The buffer adjacent to the existing tennis court may remain at five (5) feet in width until such time when the tennis court is removed;
 - b. a six (6) foot high chain link fence; and
 - c. all plant materials shall comply with the requirements for a Right-of-Way buffer. (DRO: LANDSCAPE - Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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 Unified Land Development Code (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 Official Zoning Map Amendment, Conditional Use, Requested Use, 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)