

RESOLUTION NO. R-2014- 0877

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/DOA/CA-2014-00293
(CONTROL NO. 2000-00006)
a Class A Conditional Use
APPLICATION OF VITAS Healthcare Corporation
BY Urban Design Kilday Studios, AGENT
(Vitas Hospice)

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;

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;

WHEREAS, Zoning Application ZV/ABN/DOA/CA-2014-00293 was presented to the Board of County Commissioners at a public hearing conducted on June 26, 2014;

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;

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;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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 Class A Conditional Use; and,

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/ABN/DOA/CA-2014-00293, the petition of VITAS Healthcare Corporation, by Urban Design Kilday Studios, agent, for a Class A Conditional Use to allow a Nursing or Convalescent Facility in the General Commercial (CG) 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 26, 2014, subject to the Conditions of Approval described in EXHIBIT C-3, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Priscilla A. Taylor, Mayor	- Aye
Commissioner Paulette Burdick, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Jess R. Santamaria	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on June 26, 2014.

Filed with the Clerk of the Board of County Commissioners on July 02, 2014.

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



The seal is circular with a double-line border. The outer ring contains the text 'PALM BEACH COUNTY COMMISSIONERS' at the top and 'FLORIDA' at the bottom, separated by a star on the left. The inner ring contains the text 'COUNTY COMMISSIONERS' at the top and 'DEPUTY CLERK' at the bottom, also separated by a star on the left.

EXHIBIT A

LEGAL DESCRIPTION

A parcel of land in Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida being more particularly described as follows:

Commence at the Southwest corner of Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida; thence run Northerly along the West line of said Section 14, a distance of 127.54 feet to a point on the Southerly Right of Way line of State Road No. 806, as recorded in Road Plat Book 3, Page 25, Public Records of Palm Beach County, Florida; thence run Northeasterly along the said Southerly Right of Way line of State Road No. 806, being a curve concave to the Northwest and having a radius of 1832.27 feet, a distance of 400 feet to the Point of Beginning; thence continue Northeasterly along said Southerly Right of Way line, a distance of 282.61 feet to a point, being the Point of Tangency of said curve; thence run Northeasterly along the tangent of said curve, being the said Southerly Right of Way line of State Road No. 806, a distance of 17.39 feet to a point; thence run Southerly along a line parallel with and 566.76 feet East of the said West line of Section 14, a distance of 534.10 feet to a point on the South line of said Section 14; thence run Westerly, along the said South line of Section 14, a distance of 223.74 feet to a point; thence run Northerly along a line parallel with and 343.02 feet East of the said West line of Section 14, a distance of 333.58 feet to the Point of Beginning.

Said lands situate in Palm Beach County, Florida and containing 95,900 square feet, 2.20 acres, more or less.

EXHIBIT B
VICINITY SKETCH

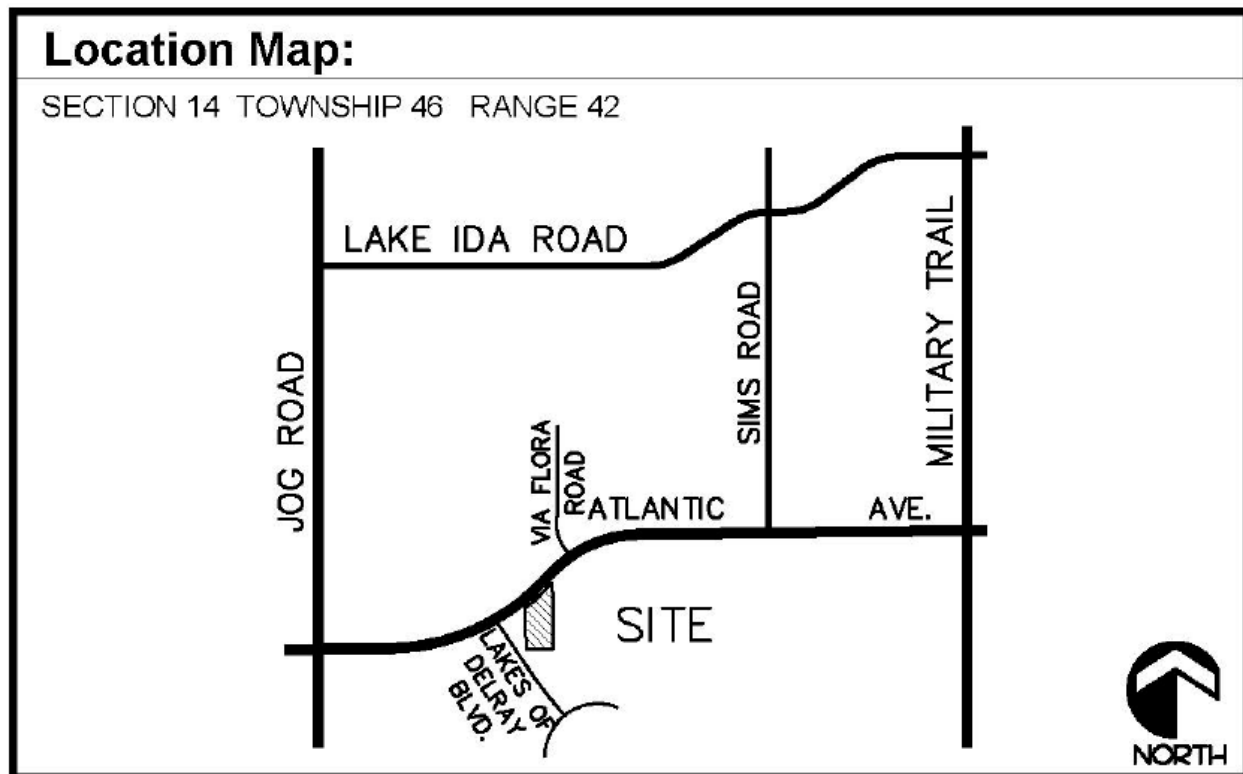


EXHIBIT C-3

CONDITIONS OF APPROVAL

ALL PETITIONS

1. The Preliminary Site Plan is dated April 10, 2014. 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. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Vistas Hospice shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated April 10, 2014. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/ONGOING: ZONING Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2016. 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 Art. 2.E of the Unified Land Development Code. (BLDG/PMT/DATE: MONITORING - Engineering)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to approval from LWDD for Technical Compliance or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the South 20 feet of Section 14/46/42 for the L-34 Canal. LWDD will provide and record the conveyance document (TC: LAKE WORTH DRAINAGE DISTRICT - Building Division/LWDD)

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 Voluntary Commitments 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; the 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 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 Voluntary Commitments; 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 Voluntary Commitment of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.