



**DEVELOPMENT REVIEW ADVISORY COMMITTEE (DRAC)**

**FRIDAY, AUGUST 15, 2014, 2:00 PM-4:00 PM**

**PZ&B – VISTA CENTER**

**2300 NORTH JOG RD., WEST PALM BEACH, FL 33411**

**2<sup>ND</sup> FLOOR CONFERENCE ROOM (VC-2E-12)**

**AGENDA**

- A. REVIEW OF THE MAY 9, 2014 MINUTES - (ATTACHMENT 1)-WENDY**
- B. ULDC UPDATES – BILL**  
**USE REGULATIONS PROJECT**  
**2014-02 ROUND HIGHLIGHTS**
- C. REVIEW DRAC OPEN TASK LIST- (ATTACHMENT 2) - WENDY**
- D. REVISED FEES –JON**
- **ROUNDING OF DECIMALS - MARYANN**
  - **SPECIAL PERMIT EXPEDITED REVIEW AND APPROVE - ALAN**
  - **PRIVATE INITIATED CODE AMENDMENT PHASE 2 - BILL**
  - **BUILDING PERMIT-ZONING REVIEW - BARBARA**
  - **MONITORING FEES - BRUCE**
  - **ZONING PLAT REVIEW FEE - WENDY**
- E. DRO OFF THE BCC-SUBMIT SITE/SUBDIVISION PLAN FOLLOWING UP ON GL HOMES REQUEST-JON/COLLENE**
- **CLARIFICATION OF THE SEVERAL ASPECTS OF THE DRO OFF THE BOARD (OTB) PLAN APPROVAL PROCESS, INCLUDING REQUIREMENTS FOR RESUBMITTAL FEES AND DRO CONDITIONS OF APPROVAL**
  - **CURRENT POLICY OF HAVING SEPARATE OR COMBINATION RESOLUTIONS FOR REZONING, DEVELOPMENT ORDER AMENDMENT AND CONDITIONAL Use(s)**
- F. LANDSCAPE PLANS AT FINAL DRO- SCOTT**
- **ARE THESE BEING CONDITIONED TO BE SUBMITTED BY APPLICANT AT TIME OF DRO?**
  - **DO THESE PLANS HAVE TO BE AMENDED BY DRO AGENCY REVIEW?**
- G. TECHNICAL MANUAL UPDATE - WENDY/MARYANN/JON**
- H. PLAT REVIEW AND TRAINING MANUAL – MARYANN/WENDY**
- I. ABANDONMENT-LEGAL AD – WENDY**

**J. CD PLAN NAME CHANGES FOR APPLICATIONS IN PROCESS - WENDY**

**K. ADJOURNMENT**



**DEVELOPMENT REVIEW ADVISORY COMMITTEE (DRAC)  
MINUTES OF THE FRIDAY, MAY 09, 2014 SUBCOMMITTEE MEETING  
PZ&B – VISTA CENTER  
2300 NORTH JOG RD., WEST PALM BEACH, FL 33411  
2<sup>ND</sup> FLOOR CONFERENCE ROOM (VC-2E-12)  
Time: 2:00 pm to 4:00 pm**

**PREPARED BY ZONING DIVISION STAFF**

**1. CALL TO ORDER.**

Chairman Scott Mosolf called the meeting to order at 2:07 pm.

**Members Present –**

Scott Mosolf – UDKS – Chair  
Gladys DiGirolamo – GL Homes - Vice Chair  
Bradley Miller - Miller Planning  
Doug Murry - Land Design South  
Pat Lentini – GHO  
Collene Walter - UDKS  
Jeff Brophy - Land Design South  
Jan Polson - Cotleur & Hearing  
Kevin McGinley - Land Research Management  
Josh Nicholas - Jon Schmidt & Associates

**Members Absent –**

Chris Barry - UDKS  
Jon Schmidt - Jon Schmidt & Associates

**Interested Parties –**

Autumn Sorrow-DMBB Law  
Laurie Mortenson Rose - Florida Atlantic Builders

**Zoning/Engineering -**

Jon MacGillis - Zoning Director  
Wendy Hernandez - Zoning Manager, Community Development Section (CD)  
William Cross - Principal Site Planner, Code Review Section  
Alan Seaman - Principal Site Planner, Administrative Review Section  
Jan Rodriguez - Senior Site Planner, Administrative Review Section  
Carol Glasser - Site Planner II, CD Section  
Laura Brown - Secretary, Administration Section  
Roger Ramdeen - Site Planner II, CD Section  
Joanne M. Keller - Land Development Director  
Donna Adelsperger - Site Planner I, CD Section  
Kenny Wilson - Health Department  
Nicole Smith - LWDD  
Bryan Davis - Principal Planner, Planning Division  
Juanita James - Zoning Technician, Permitting/Landscaping Section  
Barbara Pinkston - Principal Site Planner, Permitting/Landscaping Section

**A. REVIEW OF THE FEBRUARY 7, 2014 MINUTES - (ATTACHMENT 1)**

The Chair asked if there were any changes to the Minutes; there were none. Motion to approve the minutes was made by Scott Mosolf and seconded by Bradley Miller. Minutes were adopted as presented. Staff will publish the adopted version to the Zoning DRAC Web Page.

**B. ULDC UPDATES – BILL**

**USE REGULATIONS PROJECT – COMMERCIAL KICK OFF MEETING 5/15/14**

Bill provided an overview of the Unified Land Development Code (ULDC) Commercial Kick off Meeting to be held May 15, 2014 from 1-4 at Vista Center, Hearing Room 1<sup>st</sup> Floor. He asked if Members are on the Monthly ULDC Use Project Newsletter. If you are, you are current on this topic. The meeting will be this week and will simply be for staff to listen to input from interested parties on amendments they would like to see to the various commercial uses. Encourages members to attend this meeting.

**C. REVIEW DRAC OPEN TASK LIST- (ATTACHMENT 2) - WENDY**

Wendy provided an update on the two open tasks on the list. She explained Planning is coordinating with School Board the **Concurrency Agreement**-It is in final draft form and will be presented to IPARC on 5/29/14. See the notes in Attachment 2 for more details on this task. Item 2 on the chart is related to **Information on a Master Plan**. Wendy explained that several meetings have occurred with participants from County staff and industry; however, the final changes have not been drafted to Title 2 of the Technical Manual. She explained she is short staffed, but as soon as we can focus on this task we will get it done, hopefully prior to the next DRAC Meeting in August. An additional meeting with Industry might be needed to finalize this task.

**D. TYPE 1B VARIANCES – SCOTT MOSOLF**

Scott asked if the County ISS Staff can look at fixing the Online Variance application to allow the User to save information on the screens as they fill it in. Currently, the users have to fill in all the information or it will not save. Juanita James, Zoning Tech said this request was already forwarded to the ISS to investigate and report back. On 5/14/13 ISS Staff contacted Scott directly and discussed the issues. Their solution was to simply put a character in fields you are not fully filling in and then it will allow you to save.

**E. DRO CERTIFICATION ISSUES BEING ADDED AFTER DRO - SCOTT MOSOLF**

Wendy said she was not aware of this happening with Zoning Project Managers (PM) but she would confirm if they are adding new certification issues. She said it could happen if a code requirement is found not in compliance at final DRO review that was not noticed in



original review. Barbara Pinkston said she agreed you need to address the issues at Final DRO rather than at permitting. The goal is not to add any new certification issues on plans off the BCC, but sometimes it is necessary in order to approve the plan. Staff agreed to monitor this request. Wendy will make an announcement at the next DRO Meeting to remind Agencies not to impose new DRO certification issues and if they do to give a courtesy call to the Applicant and explain the rationale.

#### **F. ARCHITECTURE REVIEW UPDATE – SCOTT MOSOLF**

Wendy updated the Committee on the Zoning Commission (ZC) request to see elevations at Zoning Commission. She said staff explained to the Zoning Commission that the code allows the application to submit elevations at public hearing, DRO or permitting. Jon MacGillis stated he tried to encourage applicants to submit plans at ZC so the ZC has something to review, but the ZC does not have to condition. The ZC requested staff to draft a memo for their signature to be placed on the May 22 BCC Zoning Hearing for discussion. Jon encourages anyone who has an interest in this topic to attend the Zoning BCC Hearing.

#### **G. RESULT LETTER – BRADLEY MILLER**

Wendy and Donna Adelsperger, Site Planner I, agreed that the current result letter needs to be updated. Staff is working on updating all the result letters in the next couple months and will add to the letter what was approved to address Bradley's concern in this request. Will update you on this task at the August DRAC Meeting.

#### **H. NEW PROCESS FOR MINOR CONDITION MODIFICATION - BRADLEY MILLER**

Bradley explained this new DRO/EAC process he envisioned to address minor changes to conditions. He said the current process is costly and time frames need to be shortened. After a lengthy discussion no direction was given as to how to proceed with this topic. The Zoning Director will take it into consideration and discuss internally with staff and report back to the Committee at the August DRAC meeting if it is something we can support and when the ULDC would be amended.

#### **I. REGULATING PLAN (TECHNICAL MANUAL) - BRADLEY MILLER**

Wendy said she would look into this request as part of the Technical Manual update. Wendy said staff has already removed the buffer details from the Regulating Plan going to the BCC since the details would not typically reflect the BCC conditions. Collene Walter said she typically cuts and pastes dumpster details from the ULDC and she recently noticed the illustration is not consistent with code text language. Jeff Brophy said the Landscape Chart is more important than showing number and types of plants rather than details. Bill Cross stated perhaps the regulating plan details will help vest your client in the future for something that might change in future code language.

#### **J. REVIEW WITHIN THE SCOPE OF THE APPLICATION - BRADLEY MILLER**

Bradley explained his concern with agencies reviewing outside the scope of the affected area. However, Zoning, SFWMD and Land Development staff stated it is sometimes necessary and is a case by case situation. Jon said staff works with the applicant to define the affected area at intake, and our review tries to stay focused on that part of the plan, but does not always happen due to other changes on plan (parking, buffers, access,

easements, etc). Kevin McGinley agreed that sometimes just the nature of the request the review has to go beyond the boundary. Staff will continue to work with applicant on this matter.

**K. OFF THE BOARD/EXPEDITED (DROE) PROCESS - BRADLEY MILLER**

Wendy said that is the goal. She will remind staff that if the applicant submits a plan that is modified only to comply with ZC and BCC direction and conditions, no new changes should be requested. However, Wendy and Barbara Pinkston stated that a plan must comply with code to be approved.

**L. SUBMITTING FINAL SUBDIVISION PLAN (FSBP) (Attachment 4) - GLADYS DIGIROLAMO**

Gladys explained her request for consideration to submit a new subdivision plan along with the Master Plan and Site Plan off the Board. Currently, the process does not allow someone to submit a new plan at DRO intake for something that is not off the BCC. She said she understands that the Subdivision Plan would not be going to the 1<sup>st</sup> DRO meeting but staff can be comparing the MP, SP and Subdivision Plan together. It would save her client a month on the review time. She requested that this be considered. Jon said staff will review the request and, prior to or at the next DRAC meeting, have a response.

**M. SPECIAL PERMIT PROCESS - JAN POLSON**

Jan explained she recently submitted for a Special Permit for a Special Event and it is a difficult process to go through. Jon explained we are implementing improvements and coordinating with Zoning, Code Enforcement, Building and Fire to streamline the process. Alan explained that Jan's SP was a bit out of the ordinary based on timing to get the permit out in a few days. Firstly, because of the rush to accommodate her clients schedule and secondly, staff trying to ensure the other agencies signed off on their permits and established their need for inspections upfront. Jon further explained that internal meetings have been ongoing with various Divisions to get the process streamlined and implemented in August 2014. Keep the Committee posted on updates on this process.

**L. NEXT MEETING AUGUST 8, 2014**

Wendy said she would add the following topics to the DRAC 2014 Tasks chart:

- Type 1B Process-Follow-up with ISS to ensure the screens allow the user to save as they enter data-Barbara P
- Architecture Review-Report on direction of the BCC at the May 22 Hearing. Will elevations be required for all application at time of public Hearing-Wendy
- Result Letters-Wendy to follow-up on fixing result letters so they reflect clearly what was approved-Wendy
- Minor Condition Modification-discuss Bradley new DOA/EAC process-Jon
- Regulating Plan and Tech Manual Updates-Maryann to finish her ongoing meetings with industry and staff are update Title 2-Maryann
- Subdivision Plan submittal with Master Plan as part of the Off the BCC Plan process-Jon

**M. ADJOURNMENT AT 3:27 PM**

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Complete	Pending						
Task	Details	Lead	Status	Date Initiated	Initiated by	Date Completed	
	<b>Concurrency Fee- School Board</b>	Fees are being charged when they aren't affected by the changes- i.e. CLF or Age Restricted Community	Wendy	Pending	5/11/2012	Kevin Ratteree	4-30-14 Kevin Andrews -draft ILA completed. Presenting to IPARC on 5-29-14. 1-31-2014 Wendy spoke with Kevin in Planning a draft inter-local has been submitted to Planning for review. They will be meeting school board in ~2 weeks. They are contemplating not doing concurrency anymore, but reviewing for school requirements under Land Use and Rezoning applications. Not known at this time if fees will still be applicable, planning to follow up. After meeting in 2 weeks the document will be scheduled for presentation to School Board and BCC. 10/22/13: Wendy: The fee being charged for Concurrency for School Board is still pending. She spoke with Planning staff and they said not change in status of the inquiry. 08/13/2013 Planning still working with the School Board. Schools are preparing a draft document to present at the next IPARC. Draft to be submitted to Planning a couple weeks. 06-07-13 Wendy gave DRAC update to Committee that no changes has occurred. Spoke with School Board Planning Division still working on agreement. 11/5/2012 Need status from Planning.
	<b>Calendar- Variance Deadlines</b>	Resubmitted Dates and Comment Deadlines and applications do not give enough time to address issues	Wendy-CDR	Re-open	5/11/2012	Colleen Walter	8-12-14 Wendy to discuss with DRAB on 8-15-14 some suggested changes to Type II Standalone Variances. 5-5-14 No changes - staff has not had time to discuss internally. 1/31/2014- to discuss again at DRAC meeting. Staff have issue with variance deadlines.
	<b>Information on a Master Plan</b>	Inconsistent requirements for information on a Master Plan. Some information may not be necessary. Involves Survey, DL, Planning and Zoning	Wendy/MMK	Pending	5/11/2012	Gladys DiGirolamo	8-12-14 Wendy and Maryann reviewed all the requests from Agents with regards to amount of detail being shown on Master Plan. Met with Joanne Keller and are recommending changes to Tech Manual to clarify what needs to be on Master Plan. Will review at the 8-15-14 DRAC Meeting 5/8/2014 This is on hold until CD Staff is able to hire additional staff to complete task. 1/29/14: Maryann/CD Staff to convene one additional meeting on Tech Manual, Title 2 changes. 08/13/2013 task still pending; drafted modifications to the Technical Manual; 06-07-13 Wendy said she met in last month with several DRAC members to address their concerns with too much information on Master Plan. Working on draft to reflect changes agreed to and once done will send out to Committee for review. Then the Technical Manual will be update. 8/13/13 Subcommittee need to discuss Tech Manual changes. Staff to finalize the proposed changes prior to next DRAC meeting. 10/22/13: Wendy: Information on Master Plan-Maryann and Wendy convened a Task Team which some of the DRAC members participated on. Staff would like another meeting to follow up on the suggested changes. The changes involve

Complete		Pending					
Task	Details	Lead	Status	Date Initiated	Initiated by	Date Completed	
<b>Type 1 B Process</b>	Follow-up with ISS to ensure the screens allow the user to save as they enter data.	Barbara		5/9/2014	Scott Mosolf	8-12-14 ISS discussed with UDKS staff and addressed their specific question	
<b>Architecture Review</b>	Report on direction of the BCC at the May 22 Hearing. Will elevations be required for all application at time of public Hearing	Wendy		5/9/2014	Scott Mosolf	8-12-14 BCC directed staff to convene a LDRAB Subcommittee to review the Arch Guidelines for submittal requirements. The first meeting of Subcommittee is September 10, 2014 from 1:30 to 3:00 at Vista Center	
<b>Results Letters</b>	Result letters not mailed out in timely manner. Can staff look into this.	Wendy-CDR		5/9/2014	Bradley Miller	8-12-14 Staff confirmed the letters are sometimes delayed as a result of working out issues. As a rule they should be mailed within 10 days of the Hearing or Meeting. Staff will continue to Monitor this.	
<b>Minor Condition Modifications</b>	Discuss Bradley new DOA\EAC process	Jon		5/9/2014	Bradley Miller	8-12-14 This was discussed at the DRAC Meeting but the Zoning Director conclude at this time we are not recommending a change. We can continue to look at mater.	
<b>Regulating Plan and Tech Manual Updates</b>	Maryann to finish her ongoing meetings with industry and staff are update Title 2	Maryann		5/9/2014	Bradley Miller	8-12-14 At the DRAC Meeting on 8-15-14 Wendy will address the proposed changes staff are working on.	
<b>Subdivision Plan</b>	Subdivision Plan submittal with Master Plan as part of the Off the BCC Plan process	Jon		5/9/2014	Gladys DiGirolamo	8-12-14 Jon met with Gladys to discuss her inquiry in more detail. We agreed that we could test a project with Zoning and Land Development to see if this could work. If we have no issues we can report back on possible implementation date.	



RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION R-2008-1754 AS AMENDED, THE OFFICIAL SCHEDULE OF FEES TO BE CHARGED FOR PLANNING, ZONING AND ADMINISTRATION APPLICATIONS, ADMINISTRATIVE REVIEWS, SPECIAL PERMITS, LEGAL ADVERTISING, DOCUMENTS AND REPRODUCTION OF RECORDS, ADDING NEW FEES FOR EXPEDITED ADMINISTRATIVE MODIFICATION, TO THE ZONING DIVISION FEE SCHEDULE, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Palm Beach County Unified Land Development Code (ULDC), Article 2, Chapter A, Section 1.C.2, provides that the Zoning fees shall be adopted by the Board of County Commissioners; and,

**WHEREAS**, Resolution R-2008-1754, amending the Official Schedules of Fees to be charged by Planning, Zoning and Administration Divisions of the Planning, Zoning and Building Department was approved by the Board of County Commissioners on October 7, 2008 and subsequently was corrected in Resolution No. R-2009-1049 and amended in Resolution No. 2010-0311; Resolution No. 2011-1243; ~~and~~ Resolution No. 2012-0941; and Resolution 2014-0112; and,

**WHEREAS**, it is desirable to recover the costs of Zoning services resulting from amendments to the Unified Land Development Code; and,

**WHEREAS**, the fee schedule approved by Resolution R-2008-1754, Resolution No. R-2009-1049, Resolution No. 2010-0311, Resolution No. 2011-1243; ~~and~~ Resolution No. 2012-0941; and Resolution No. 2014-0112 provide the adjustment of fees each year according to Consumer Price Index (CPI) commencing 2012, so that fees do not lag far behind the cost of the services provided; and,

**WHEREAS**, the decimal of each fee, which includes the annual CPI adjustment, shall be rounded off as follows: where the decimal of a fee is greater or equal to \$0.50 (fifty) cents, then the fee shall be rounded up to the next higher dollar, and where the decimal of a fee is less than or equal to \$0.49 (forty nine) cents, the fee shall be rounded down to the next lower dollar; and,

**WHEREAS**, it is necessary for Planning, Zoning & Building Department to establish fees and changes in the cost of providing services as shown in Attachment A.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

**SECTION 1.**

The official schedule of fees for planning, zoning applications, special permits, legal advertising, documents and reproduction of records is hereby amended as shown in Attachment A.

**SECTION 2.**

The Planning, Zoning and Building Department has the authority to publish and update as necessary a consolidated Planning, Zoning and Administration Divisions Fee Schedule, reflecting fees approved by the Board of County Commissioners by resolution.

**SECTION 3.**

All resolutions or proceedings or parts thereof in conflict with the provisions of this resolution are hereby repealed.

**SECTION 4.**

Should any section, paragraph, sentence clause or word of this resolution be held to be unconstitutional, inoperative, or void, such holding shall not affect the validity of the remainder of the resolution.

The foregoing Resolution was offered by Mayor/Vice Mayor/Commissioner «COMMISSIONER\_NAME», who moved its adoption. The motion was seconded by Mayor/Vice Mayor/Commissioner «COMMISSIONER\_NAME», and upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared the resolution was duly passed and adopted on, September 30, 2014.

Filed with the Clerk of the Board of County Commissioners on \_\_\_ of \_\_\_\_\_, 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

**ATTACHMENT A**

**NOTE:**     -Underlined indicates new/revised Fee Descriptions and Fees.  
               -~~Stricken~~ indicates existing Fee Descriptions or Fees to be deleted.

**Planning Division Proposed Fee Schedule  
 Revised Existing Fees**

**Administrative Time Extension**

Fee Description	2014 Fee
<b>Administrative Time Extension</b>	
Administrative Time Extension	\$205.05
	<u>\$275.00</u>

**Status Report**

Fee Description	2014 Fee
<b>Status Report</b>	
<u>Status Report</u>	\$764.27
	<u>\$1050.00</u>

**Monitoring Permit Review**

Fee Description	2014 Fee
<b>Monitoring Permit Review</b>	
<u>Monitoring Permit Review Fixed Fee for review of Conditions of Approval</u>	\$50.00

**Zoning Division Proposed Fee Schedule  
 Revised Existing and New Fees**

- 1. ULDC- Privately Initiated Amendment Phase 2 (Type 1) OR ULDC Amendments related to Privately Initiated Text Amendment of the Comprehensive Plan**

Fee Description	2014 Fee
<b>Privately Initiated Code Amendment (PIA)            Zoning ULDC Amendment: Phase 2 Code Amendment (Type 1)  <u>OR ULDC Amendments related to Privately Initiated Text Amendment of the Comprehensive Plan</u></b>	
Zoning ULDC Amendment <u>&lt;= 5 Code Amendment Request(s)*</u>	\$3,967
Zoning ULDC Amendment <u>(each additional Code Amendment Request*</u>	<u>\$800.00</u>

\* For the purpose of applying fees, each additional Code Amendment Request shall mean amendment to each code provision.

(10)



2. **ULDC- Privately Initiated Amendment Phase 2 (Type 2) OR ULDC Amendments related to Privately Initiated Text Amendment of the Comprehensive Plan**

Fee Description	2014 Fee
Privately Initiated Code Amendment (PIA) Zoning ULDC Amendment: Phase 2 Code Amendment (Type 2) <u>OR ULDC Amendments related to Privately Initiated Text Amendment of the Comprehensive Plan</u>	
Zoning ULDC Amendment <u>&lt;= 5 Code Amendment Request(s)*</u>	\$5,014
Zoning ULDC Amendment <u>(each additional Code Amendment Request*</u>	<u>\$1,000</u>

\* For the purpose of applying fees, each additional Code Amendment Request shall mean amendment to each code provision.

3. **Administrative Review – Special Permit**

Fee Description	2014 Fee
<del>Administrative Amendments</del> <u>Special Permit</u>	
Special Permit Review : Expedited Process <u>Review Timeframe</u> (in addition to Special Permit fee)	\$150.49 <u>Double the Special Permit Review fee</u>



**4. Building Permit Review**

<u>Fee Description</u>	<u>2014 Fee</u>
<b>Building Permit Review for Structure Improvement Value &lt;= \$75,000**</b>	
<del>Building Permit Review</del> Building Permit Review for Structure Improvement Value <= \$75,000** (if more than one page, add Page Fee)	\$297.97

\*\* Excludes per page fee for initial review

**5. Building Permit Review based upon a Percentage of Structure Improvement Value**

<u>Fee Description</u>	<u>2014 Fee</u>
<b>Building Permit based upon Structure Improvement Value &gt; \$75,000**:</b>	
1. <u>\$0 to \$2,000.00</u>	<u>\$50</u>
2. <u>Next \$8,000.00</u>	<u>plus 0.50%</u>
3. <u>Next \$90,000.00</u>	<u>plus 0.35%</u>
4. <u>Next \$200,000.00</u>	<u>plus 0.20%</u>
5. <u>All Remainder</u>	<u>plus 0.15%</u>

\*\* Excludes per page fee for initial review

**6. Building Permit Review During Off-Duty Hours**

<u>Fee Description</u>	<u>2014 Fee</u>
<b>Building Permit Review During Off-Duty Hours</b>	
Building Permit Review During Off-Duty Hours - Hourly Rate (4 hour minimum)	<u>\$100.00</u>

**7. Building Permit Review for PUD Facilities / Entry Features / Amenities / or as deemed appropriate by the Zoning Director**

<u>Fee Description</u>	<u>2014 Fee</u>
<b><u>Building Permit Review for PUD Facilities / Entry Features / Amenities / or as deemed appropriate by the Zoning Director **:</u></b>	
<u>1. \$0 to \$75,000.00</u>	<u>\$298.00</u>
<u>2. \$75,001 to \$200,000.00</u>	<u>\$462.00</u>
<u>3. \$200,001.00 to \$400,000.00</u>	<u>\$805.00</u>
<u>4. \$400,001.00 to \$750,000.00</u>	<u>\$1,218.00</u>
<u>5. \$750,000.00 and above</u>	<u>\$1,480.00</u>

\*\* Excludes per page fee for initial review

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*[Faint, illegible text]*

**Laura Brown M.**

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**From:** Jon MacGillis  
**Sent:** Monday, August 11, 2014 3:52 PM  
**To:** Laura Brown M.  
**Cc:** Wendy Hernandez N.; Jon MacGillis  
**Subject:** FW: August 15, 2014 DRAC Agenda for your review and comment-Landscape Plans at Final DRO  
**Attachments:** 2013-01847\_Resolution\_R-2014-1106.pdf; 2013-01847\_PSP-1\_dated 07-11-14.tiff

Print this email and attachments for me to address Scott M question on the DRAC Agenda.

I put the DRAC Agenda on your desk earlier today with quite a few changes.

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**From:** Roger Ramdeen  
**Sent:** Monday, August 11, 2014 3:46 PM  
**To:** Jon MacGillis; Donna Adelsperger; Scott Mosolf; Rodney Swonger; Barbara Pinkston C.  
**Cc:** Wendy Hernandez N.; Laura Brown M.; Christian Granelli; Patricia Rice; Carrie Rechenmacher; Jaylene Davis J.; Joyce R. Lawrence; Maryann Kwok; Stacey Smalls  
**Subject:** RE: August 15, 2014 DRAC Agenda for your review and comment-Landscape Plans at Final DRO

Here is Stonybrook site plan and reso w COA's.  
RR

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**From:** Jon MacGillis  
**Sent:** Monday, August 11, 2014 3:19 PM  
**To:** Donna Adelsperger; Scott Mosolf; Rodney Swonger; Barbara Pinkston C.  
**Cc:** Wendy Hernandez N.; Laura Brown M.; Christian Granelli; Patricia Rice; Carrie Rechenmacher; Jaylene Davis J.; Joyce R. Lawrence; Maryann Kwok; Roger Ramdeen; Stacey Smalls  
**Subject:** RE: August 15, 2014 DRAC Agenda for your review and comment-Landscape Plans at Final DRO

Can someone pull the site plan and conditions for both projects for me? I just want to ensure we have rationale for requiring Landscape Plans and final DRO, as Scott indicated that is not "typical" and often the plans are not ready at that time to submit. That is not to say if it is critical we get them prior to final DRO certification.

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**From:** Donna Adelsperger  
**Sent:** Monday, August 11, 2014 2:31 PM  
**To:** Jon MacGillis; Scott Mosolf; Rodney Swonger; Barbara Pinkston C.  
**Cc:** Wendy Hernandez N.; Laura Brown M.; Christian Granelli; Patricia Rice; Carrie Rechenmacher; Jaylene Davis J.; Joyce R. Lawrence; Maryann Kwok; Roger Ramdeen; Stacey Smalls  
**Subject:** RE: August 15, 2014 DRAC Agenda for your review and comment-Landscape Plans at Final DRO

Jon, I can only answer that DG was the PM when Lake Worth Road CLF went to Public Hearing.

Thank you

Donna Adelsperger  
Zoning Division  
Site Planner I  
233-5224

My office hours are: Mon - Fri 7:30 AM to 4:00 PM

Please provide us feedback on our level of service by taking our Customer Survey at:



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**From:** Jon MacGillis  
**Sent:** Monday, August 11, 2014 2:28 PM  
**To:** Scott Mosolf; Rodney Swonger; Barbara Pinkston C.  
**Cc:** Wendy Hernandez N.; Laura Brown M.; Christian Granelli; Patricia Rice; Carrie Rechenmacher; Donna Adelsperger; Jaylene Davis J.; Joyce R. Lawrence; Maryann Kwok; Roger Ramdeen; Stacey Smalls; Jon MacGillis  
**Subject:** RE: August 15, 2014 DRAC Agenda for your review and comment-Landscape Plans at Final DRO

Okay, thanks CD staff I really need you help on this. Roger you were PM on Stonybrook, did you need the Landscape Plan at time for final DRO and if so why so Scott can understand. I know we worked very closely with residents and ERM on this project. The Lake Worth Road CLF-not sure who was last PM and why we required the Landscape Plan at final DRO.

---

**From:** Scott Mosolf [<mailto:SMosolf@udkstudios.com>]  
**Sent:** Monday, August 11, 2014 2:08 PM  
**To:** Jon MacGillis; Rodney Swonger; Barbara Pinkston C.  
**Cc:** Wendy Hernandez N.; Laura Brown M.; Christian Granelli; Patricia Rice; Carrie Rechenmacher; Donna Adelsperger; Jaylene Davis J.; Joyce R. Lawrence; Maryann Kwok; Roger Ramdeen; Stacey Smalls  
**Subject:** RE: August 15, 2014 DRAC Agenda for your review and comment-Landscape Plans at Final DRO

Jon,  
We have had 2 projects that recently were required to have landscape plans submitted at Final DRO:

- Lake Worth Road CLF – DOA-2013-03128
- Stonybrook on the Lake – PDD/R/TDR-2013-01847

Thanks,  
Scott

Scott Mosolf ASLA, PLA  
Project Manager

**urban  
design  
kilday**  
STUDIOS

The Offices at CityPlace North  
477 S. Rosemary Avenue, Suite 225  
West Palm Beach, Florida 33401

ph. (561) 366.1100  
f. (561) 366.1111  
[www.udkstudios.com](http://www.udkstudios.com)

Urban Planning and Design | Landscape Architecture | Communication Graphics

Please be aware that when we send electronic data out of our office, we do not have control over how the information is subsequently used. We request that you do not provide this electronic file to any third party.

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**From:** Jon MacGillis [<mailto:JMacGill@pbcgov.org>]  
**Sent:** Monday, August 11, 2014 11:47 AM  
**To:** Rodney Swonger; Barbara Pinkston C.; Scott Mosolf  
**Cc:** Wendy Hernandez N.; Laura Brown M.; Christian Granelli; Patricia Rice; Carrie Rechenmacher; Donna Adelsperger; Jaylene Davis J.; Joyce R. Lawrence; Maryann Kwok; Roger Ramdeen; Stacey Smalls; Jon MacGillis  
**Subject:** RE: August 15, 2014 DRAC Agenda for your review and comment-Landscape Plans at Final DRO



This is the only project? Scott so staff is prepared to respond to your inquiry below do you have any other specific projects that we can look at to confirm it was indeed CD staff to condition a Landscape Plan at final DRO on a specific project, but it not a standard proactive?

---

**From:** Rodney Swonger

**Sent:** Monday, August 11, 2014 10:48 AM

**To:** Jon MacGillis; Barbara Pinkston C.

**Cc:** Wendy Hernandez N.; Laura Brown M.; Christian Granelli; Patricia Rice; Carrie Rechenmacher; Donna Adelsperger; Jaylene Davis J.; Joyce R. Lawrence; Maryann Kwok; Roger Ramdeen; Stacey Smalls

**Subject:** RE: August 15, 2014 DRAC Agenda for your review and comment-Landscape Plans at Final DRO

I have any example, It is Reynolds Ranch.

---

**From:** Scott Mosolf [<mailto:SMosolf@udkstudios.com>]

**Sent:** Monday, August 04, 2014 4:33 PM

**To:** Laura Brown M.; Jon MacGillis; Wendy Hernandez N.; Maryann Kwok

**Subject:** Re: August 15, 2014 DRAC Agenda for your review and comment

Laura,

I will be at the meeting on the 15th.

Can we add this item to the agenda:

1. **Landscape Plans at Final DRO-** staff has been making this a condition of approval. I'm not sure what the thought process is but it is very difficult to accomplish because many times the engineering plans are not fully developed at DRO. It makes sense to update the buffer details but full landscape plans is much more. They still are getting reviewed by the Landscape Section with the building permit submittal but that point, the engineer has dealt with the water/sewer utility provider and SFWMD.
  - a. Second question would then be- do these plans have to be amended via the Zoning Department when things change? Maybe a possible resolution is to require preliminary landscape plan. In municipalities where they are required early on, the preliminary engineering plans are also required.

Thanks,  
Scott

On Jul 31, 2014, at 2:39 PM, "Laura Brown M." <[LMBrown@pbcgov.org](mailto:LMBrown@pbcgov.org)> wrote:

Attached please find the August 15, 2014 DRAC Agenda for your review and comment. Please return, with any additions made, by Friday, August 8, 2014. Please confirm your attendance, as well.

Regards,

Laura M. Brown, Secretary  
Palm Beach County  
PZ&B, Zoning Division  
2300 North Jog Road  
West Palm Beach FL 33411-2741  
561-233-5226 (Office)  
561-233-5165 (Fax)

[LMBrown@pbcgov.org](mailto:LMBrown@pbcgov.org) (Email)

<http://www.pbcgov.com/pzb/Zoning/index.htm>

Please provide us feedback on our level of service by taking our Customer Survey at:

<http://www.pbcgov.org/SurveySystem/Divisions/PZBAdmin/SurveyAttempt.asp?hdnSurveySeq=686&hdnSurveyName=Zoning>  
[Division Customer Service Survey](#)

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<8-15-2014 DRAC Agenda.docx>





RESOLUTION NO. R-2014- 1106

RESOLUTION APPROVING ZONING APPLICATION PDD/R/TDR-2013-01847  
(CONTROL NO. 1978-00032)

an Official Zoning Map Amendment to a Planned Development District  
APPLICATION OF Manetto Hill Realty Venture LLC  
BY Urban Design Kilday Studios, AGENT  
(Stonybrook on the Lake)

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 PDD/R/TDR-2013-01847 was presented to the Board of County Commissioners at a public hearing conducted on July 24, 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.1.B; 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 PDD/R/TDR-2013-01847, the application of Manetto Hill Realty Venture LLC, by Urban Design Kilday Studios, agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Agriculture Residential Zoning District (AR) and the Residential Estates Zoning District (RE) to the Residential Planned Unit Development (PUD) 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 July 24, 2014 subject to the Conditions of Approval described in EXHIBIT C, attached hereto

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and made a part hereof.

Commissioner Berger 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 July 24, 2014.

Filed with the Clerk of the Board of County Commissioners on July 29th, 2014.

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

APPROVED AS TO FOR  
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

A PORTION OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 1A (DELRAY PLANTS INTERNATIONAL):

THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE SOUTH 12.5 FEET THEREOF AS CONVEYED TO PALM BEACH COUNTY FOR THE RIGHT-OF-WAY OF FROST LANE, BY QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 2514, PAGE 691, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 1B (DELRAY PLANTS INTERNATIONAL):

THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE NORTH 55.00 FEET FOR THE LAKE WORTH DRAINAGE DISTRICT CANAL RIGHT-OF-WAY.

PARCEL 2 (EDLIG ENTERPRISES):

THE EAST 264 FEET OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE SOUTH 12.5 FEET THEREOF AS CONVEYED TO PALM BEACH COUNTY FOR THE RIGHT-OF-WAY OF FROST LANE, BY QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 2514, PAGE 685, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

THE WEST 132 FEET OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE SOUTH 12.5 FEET THEREOF AS CONVEYED TO PALM BEACH COUNTY FOR THE RIGHT-OF-WAY OF FROST LANE, BY QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 2514, PAGE 685, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4:

THE WEST 264 FEET OF THE EAST 528 FEET OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE SOUTH 12.5 FEET THEREOF AS CONVEYED TO PALM BEACH COUNTY FOR THE RIGHT-OF-WAY OF FROST LANE, BY QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 2514, PAGE 685, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 1,353,378 SQUARE FEET/31.0693 ACRES MORE OR LESS.

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EXHIBIT B

VICINITY SKETCH

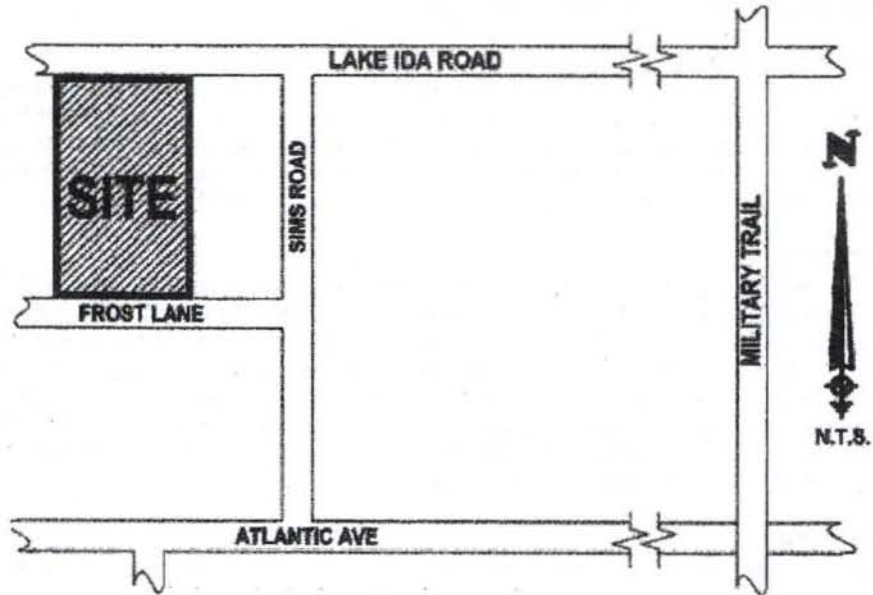


EXHIBIT C

CONDITIONS OF APPROVAL

**PDD- Residential Planned Development District**

**ALL PETITIONS**

1. The Preliminary Master and Site Plans are dated July 11, 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 Multifamily Buildings 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 July 17, 2013. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning) (DRO: 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, 2017. 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)

2. The Property Owner shall fund the cost of signal installation at Atlantic Avenue and Sims Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition. No Building Permits for more than 66 apartment units shall be issued until the Property Owner makes a payment to the Traffic Division in an amount as determined by the Director of the Traffic Division. This amount will be impact fee creditable. However, if the signal is warranted at any time after the first building permit is pulled and before the above threshold for building permits is reached, as determined by the County Engineer, a full payment for the signal will be required to be made within 60 days of the request for such payment by the County Engineer. If the signal is not warranted at this location, the amount paid by the Property Owner may be used for any other road improvements as specified in Article 13, Impact Fee, of the ULDC, or as determined by the County Engineer. (BLDG/PMT: MONITORING - Engineering)

3. Prior to issuance of the first building permit the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG/PMT: MONITORING - Engineering)

4. The Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for: 30 feet of additional right of way for Lake Ida Road. Said additional right of way shall be adjacent to the south side of the Lake Worth Drainage District L-32 Canal and be along the project's entire north property line. All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances.



Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. 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 not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

5. Prior to site plan approval by the Development Review Officer, the Property Owner shall amend the site plan to include separate left and right turn egress lanes south approach on the driveway connection to Lake Ida Road. (DRO: ENGINEERING - Engineering)

#### **ENVIRONMENTAL**

1. Prior to Issuance of the Vegetation Removal Approval by the Department of Environmental Resources Management (ERM) the applicant shall provide the results of a Phase II Environmental Audit to ERM. (BLDGPMT/VEGPMT: ENVIRONMENTAL RESOURCE MANAGEMENT - Environmental Resource Management)

2. All native trees that are determined by the Department of Environmental Resources Management to be relocatable, shall be relocated on the site pursuant to the requirements of ULDC Article 14.C. (BLDGPMT/VEGPMT: ENVIRONMENTAL RESOURCE MANAGEMENT - Environmental Resource Management)

#### **LANDSCAPE - GENERAL**

1. Prior to Final Plan approval by the Development Review Officer (DRO), the Property Owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plans shall incorporate existing vegetation or replacement in accordance with Article 7.D.2.D Tree Credit and Replacement. The Plans(s) shall be prepared in compliance with the Conditions of Approval as contained herein and all ULDC requirements. (DRO: LANDSCAPE - Zoning)

2. In addition to the ULDC requirements, a minimum of seventy-five (75) percent of all trees to be planted in the perimeter landscape buffers shall meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet; and,
- b. credit may be given for existing or relocated trees provided they meet ULDC requirements. (ONGOING: LANDSCAPE - Zoning)

3. A group of three (3) or more palms may not supersede the requirements for a canopy tree in the perimeter buffers along the south, east and west property lines. (ONGOING: LANDSCAPE - Zoning)

4. Groups of Slash Pine Trees may not be planted as a replacement for canopy trees in the perimeter buffers (ONGOING: LANDSCAPE - Zoning)

5. Field adjustment of the berm locations may be permitted to provide pedestrian sidewalks/bike paths and amenities, and to accommodate traversing utility or drainage easements and existing vegetation. (ONGOING: LANDSCAPE - Zoning)

**LANDSCAPE - PERIMETER-NORTH PROPERTY LINE (LAKE IDA ROAD)**

6. In addition to the ULDC requirements, buffering along the north property line shall be upgraded to include:

- a. one (1) canopy tree for each twenty (20) linear feet of property line. (ONGOING: LANDSCAPE - Zoning)

**LANDSCAPE - PERIMETER-SOUTH PROPERTY LINE (FROST LANE)**

7. Landscaping and buffering along the south property line, south 164 feet of the east property line and south 490 feet of the west property line shall be upgraded to include:

- a. a minimum width of twenty-five (25) feet;
  - b. a three (3) foot high continuous berm;
  - c. a six (6) foot high vinyl coated chain link fence with a six (6) foot high hedge; or a six (6) foot high opaque PVC fence. Fence to be located on top of the berm; and
  - d. one (1) canopy tree for each twenty (20) feet of the property line;
  - e. one (1) large shrub for each four (4) linear feet of the property line;
  - f. one (1) medium shrub for each four (4) linear feet of the property line; and,
  - g. one (1) small shrub for each two (2) linear feet of the property line.
- (ONGOING: LANDSCAPE - Zoning)

**LANDSCAPE - PERIMETER-EAST PROPERTY LINE- NORTHERN 390 FEET**

8. In addition to the ULDC requirements, landscaping along the east property line shall be upgraded to include:

- a. Type I Incompatibility Buffer with a six (6) foot high concrete panel wall along the north 330 feet; and,
  - b. a Compatibility Buffer with a width of fifteen (15) feet along the central 790 feet.
- (ONGOING: LANDSCAPE - Zoning)

**LIGHTING**

1. A street light shall be located at the entrance of the development. On-site lighting installed within the boundaries of the development shall comply with the requirements of Article 5.E.4.E. Any off-site lighting would be subject to review and approval of the permitting authority. (BLDGPMT/DRO: ZONING/ENG/LWDD - Zoning)

**LAKE WORTH DRAINAGE DISTRICT**

1. Prior to platting, 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 29.60 feet of the North 85 feet of a portion of the NW (quarter) of Section 14-46-42 for the L-32 Canal. LWDD will provide and record the conveyance document. PLAT: ENG-LWDD (PLAT: ENGINEERING - Lake Worth Drainage District)

**SCHOOL BOARD**

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

**"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"**

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s).

2. Prior to the issuance of the first Certificate of Occupancy (CO), the ten feet by fifteen feet school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential property owner. (CO: MONITORING - School Board)



### **SITE DESIGN**

1. Prior to Final Approval by the Development Review Officer (DRO), the property owner shall revise the Master Plan and the Final Site Plan as follows:

- a. The building located at the southwest corner of the subject property, immediate west of the tennis courts, shall be restricted to a 2/3 story configuration. (DRO: ZONING - 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: ZONING - 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; 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 Conditions of Approval; 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) (ONGOING: ZONING - Zoning)

### **DISCLOSURE**

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





RESOLUTION NO. R-2014- 0734

RESOLUTION APPROVING ZONING APPLICATION DOA-2013-03128  
(CONTROL NO. 1981-00013)  
a Development Order Amendment  
APPLICATION OF Cottages Of The Palm Beaches LLC  
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;

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 DOA-2013-03128 was presented to the Board of County Commissioners at a public hearing conducted on May 22, 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 Development Order Amendment; 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 DOA-2013-03128, the petition of Cottages Of The Palm Beaches LLC, by Urban Design Kilday Studios, agent, for a Development Order Amendment to modify the Site Plan and add square footage. 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 May 22, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick 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 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 May 22, 2014.

Filed with the Clerk of the Board of County Commissioners on June 11th, 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: [Signature]  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK  
FLORIDA





EXHIBIT A

**LEGAL DESCRIPTION  
7859 LAKE WORTH ROAD CLF**

**LEGAL DESCRIPTION (ORB 24947, PAGE 569)**

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 CENTERLINE 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.

THE ABOVE DESCRIBED PARCEL OF LAND IS SUBJECT TO A PORTION OF HADJES DRIVE RIGHT-OF-WAY OVER THE EAST 40 FEET OF TRACT 115 PER PLAT BOOK 31, PAGE 15 AND AS FURTHER DESCRIBED IN ORB 2215, PAGE 1304.

LESS AND EXCEPT A PORTION OF HADJES DRIVE RIGHT-OF-WAY OVER THE EAST 40 FEET OF TRACT 115 PER PLAT BOOK 31, PAGE 15 AND AS FURTHER DESCRIBED IN ORB 2215, PAGE 1304.

LESS AND EXCEPT THE FEE SIMPLE LIMITED ACCESS RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 25936, PAGE 1752.

NOW KNOWN AS:

**LEGAL DESCRIPTION  
(INCLUSIVE OF ORB 26448, PAGE 1770 & ORB 25936, PAGE 1752)**

TRACT 114, BLOCK 23, LESS THE WEST 169.43 FEET AND LESS THE SOUTH 106.55 FEET THEREOF, PALM BEACH FARMS COMPANY, PLAT NO.3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. TOGETHER WITH TRACT 115, BLOCK 23, LESS THE SOUTH 56.70 FEET THEREOF, PALM BEACH FARMS COMPANY, PLAT NO.3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT A PORTION OF HADJES DRIVE RIGHT-OF-WAY OVER THE EAST 40 FEET OF TRACT 115 PER PLAT BOOK 31, PAGE 15 AND AS FURTHER DESCRIBED IN ORB 2215, PAGE 1304.

PARCEL A BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH EAST CORNER OF TRACT 115, BLOCK 23, PALM BEACH FARMS COMPANY, PLAT NO.3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; RUNNING THENCE N89°23'46"W, 40.00 FEET TO THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF HADJES DRIVE WITH THE NORTH LINE OF TRACT 115, THE POINT AND PLACE OF BEGINNING; THENCE NORTH 89°23'46" WEST (ASSUMED BEARING), ALONG THE NORTH LINE OF TRACTS 115 AND 114, BLOCK 23, 450.57 FEET; THENCE SOUTH 00°36'16" WEST, 553.09 FEET TO A POINT 100 FEET NORTH OF THE

CENTERLINE OF STATE ROAD S-802 (LAKE WORTH ROAD); THENCE SOUTH 89°19'34" EAST, 160.35 FEET TO A POINT ON THE EAST LINE OF TRACT 114; THENCE SOUTH 00°44'46" WEST, 49.85 FEET ALONG THE EAST LINE OF TRACT 114, BLOCK 23, AND 50 FEET NORTH OF THE CENTER LINE OF STATE ROAD S-802 (LAKE WORTH ROAD); THENCE SOUTH 89°22'07" EAST, 289.97 FEET TO THE WEST RIGHT OF WAY LINE OF HADJES DRIVE; THENCE NORTH 00°38'23" EAST, 603.30 FEET TO THE POINT AND PLACE OF BEGINNING.

LESSING THEREFROM THE FEE SIMPLE LIMITED ACCESS RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 25936, PAGE 1752, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 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; THENCE NORTH 89°22'07" WEST ALONG THE EXISTING SAID NORTHERLY RIGHT OF WAY LINE OF LAKE WORTH ROAD, A DISTANCE OF 329.97 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°44'46" EAST ALONG THE EXISTING LIMITED ACCESS RIGHT OF WAY LINE OF THE LAKE WORTH INTERCHANGE, A DISTANCE OF 12.00 FEET; THENCE SOUTH 89°22'07" EAST A DISTANCE OF 118.00 FEET; THENCE SOUTH 00°37'53" WEST A DISTANCE OF 12.00 FEET TO THE EXISTING NORTHERLY RIGHT OF WAY LINE OF LAKE WORTH ROAD; THENCE NORTH 89°22'07" WEST ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF LAKE WORTH ROAD, A DISTANCE OF 118.02 FEET TO THE POINT OF BEGINNING.

OVERALL PROPERTY CONTAINS 262,240 SQUARE FEET / 6.02 ACRES MORE OR LESS. (LESS THE 40' RIGHT-OF-WAY FOR HADJES DRIVE & LIMITED ACCESS RIGHT OF WAY IN ORB 25936, PAGE 1752)

EXHIBIT B  
VICINITY SKETCH

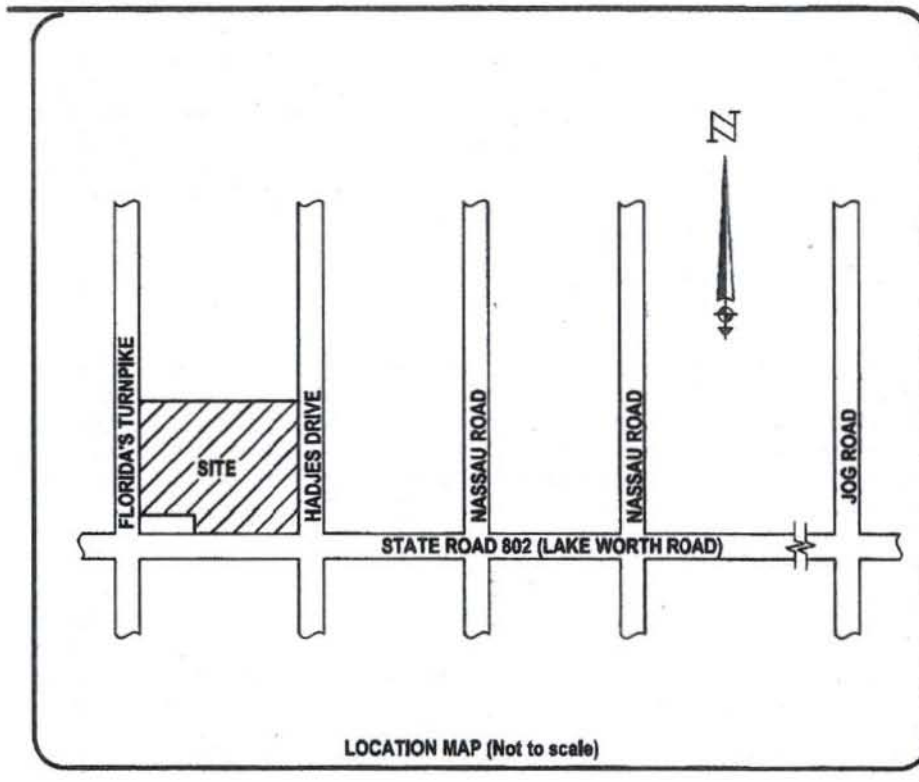




EXHIBIT C

CONDITIONS OF APPROVAL

**Development Order Amendment**

**ALL PETITIONS**

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2012-0608 (Control 1981-00013), and Resolution R-2012-0609 (Control 1981-00013), 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning) (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS condition 1 of Resolution R-2012-608, Control No.1981-00013, which currently states:

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)

**Is hereby amended to read:**

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated March 13, 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. (DRO/ONGOING: ZONING - Zoning)

3. Previous ALL PETITIONS condition 2 of Resolution R-2012-608, Control No.1981-00013, which currently states:

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)

**Is hereby deleted.** [REASON: No Longer Applicable]

**ARCHITECTURAL REVIEW**

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Medical Offices 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 December 18, 2013. 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. Previous ENGINEERING condition 1 of Resolution R-2012-608, Control No.1981-00013, which currently states:

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. The Grantor must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. 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.

**Is hereby amended to read:**

Prior to May 22, 2015, 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. 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. The Grantor must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. 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 - Engineering)

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. (Previous ENGINEERING condition 2 of Resolution R-2012-608, Control No.1981-00013) (DATE: MONITORING - Engineering) [Note: COMPLETED]

**LANDSCAPE - GENERAL**



1. At time of submittal for final approval by the Development Review Officer (DRO), 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. (Previous LANDSCAPE - GENERAL condition 1 of Resolution R-2012-608, Control No.1981-00013) (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 building. (Previous LANDSCAPE - GENERAL condition 2 of Resolution R-2012-608, Control No.1981-00013) (DATE: MONITORING - Zoning) [Note: COMPLETED]

3. In addition to the code requirements, landscaping along the east elevation of the proposed Medical/ Therapy Office and Exercise rooms shall be upgraded to include:  
a. foundation plantings eight (8) feet wide and along one-hundred (100) percent of the length of the elevation.

(ONGOING: LANDSCAPE - Zoning)

4. Prior to final Development Review Officer (DRO) approval, the Preliminary Site Plan dated March 13, 2014 shall be amended to add a terminal and interior Landscape Islands in each row of parking. Each Landscape Island shall meet the minimum Unified Lands Development Code (ULDC) standard with regard to width, length and location. A Type II Variance may be requested if compliance with this condition results in a Site Plan with less than the minimum number of required parking spaces. (DRO: ZONING - Zoning)

#### **LANDSCAPE - INTERIOR**

5. Prior to Final Approval by the Development Review Officer (DRO), a Tree Relocation and Preservation Plan shall be submitted to the Landscape section of the Zoning Division for review and approval. At a minimum the plan shall include:

- a. an itemized list of trees to be removed including their sizes and species;
- b. the current and proposed location of all trees to be preserved or relocated subject to a Vegetation Removal Permit; and,
- c. the proposed location of a minimum fifty-two (52) replacement trees or equivalent.

(DRO: LANDSCAPE - Zoning)

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

6. 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 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; and,
- f. All plant materials shall comply with the requirements for a Type III Incompatibility buffer.

(Previous LANDSCAPE - PERIMETER condition 3 of Resolution R-2012-608, Control No.1981-00013) (DRO/ONGOING: LANDSCAPE - Zoning) [Note: COMPLETED]

(Previous LANDSCAPE - PERIMETER condition 3 of Resolution R-2012-608, Control No.1981-00013) (DRO/ONGOING: LANDSCAPE - Zoning) [Note: COMPLETED]

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

7. 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. (Previous LANDSCAPE - PERIMETER condition 4 of Resolution R-2012-608, Control No.1981-00013) (DRO/ONGOING: LANDSCAPE - Zoning) [Note: COMPLETED]

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

8. 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. (Previous LANDSCAPE - PERIMETER condition 5 of Resolution R-2012-608, Control No.1981-00013) (DRO/ONGOING: LANDSCAPE - Zoning) [Note: COMPLETED]

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

9. 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. (Previous LANDSCAPE - PERIMETER condition 6 of Resolution R-2012-608, Control No.1981-00013) (DRO/ONGOING: LANDSCAPE - Zoning) [Note: COMPLETED]

**SIGNS**

1. Prior to Final Site Plan approval by the Development Review Officer (DRO), the Master Sign Plan will be revised to provide details compliant with Article 8 of the Unified Land Development Code (ULDC). (DRO: ZONING - Zoning)

2. Ground mounted freestanding signs shall be limited as follows:

- a. located at the intersection of Lake Worth Road and Hadjes Drive;
- b. maximum number of signs - one (1);
- c. maximum sign height, measured from finished grade to highest point eight (8) feet;
- d. maximum sign face area per side: eight (8) square feet; and
- e. style - monument style only. (Previous SIGNS condition 1 of Resolution R-2012-609, Control No.1981-00013) (BLDG/PMT: BUILDING DIVISION - Zoning) [Note: COMPLETED]

**SITE DESIGN-SHERIFF SUBSTATION**

1. If a substation is warranted by the Sheriff's office, the site plan shall be revised to indicate the location. (Previous SITE DESIGN condition 1 of Resolution R-2012-609, Control No.1981-00013) (ONGOING: SHERIFF'S OFFICE - Zoning)

**USE LIMITATIONS**

1. The Type III Congregate Living Facility shall be limited to a maximum of one hundred and sixty-five (165) residents. (Previous USE LIMITATIONS condition 1 of Resolution R-2012-609, Control No.1981-00013) (ONGOING: ZONING - Zoning)

2. The use of the site and the accessory facilities and/or functions is limited to the residents in-residence at the facility. No persons or patients not housed at the facility may use and/or utilize any part of the facility. (ONGOING: ZONING - 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) (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) (ONGOING: MONITORING - Zoning)

#### DISCLOSURE

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