

RESOLUTION NO. R-2000- 0119

RESOLUTION APPROVING ZONING PETITION PDD99-065
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT(PDD)
PETITION OF H.C. SUMMERS (ESTATE)
BY BRADLEY MILLER, AGENT
(JOG PINES (PUD) 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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD99-065 was presented to the Board of County Commissioners at a public hearing conducted on January 27, 2000; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission: and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD99-065, the petition of H.C. Summers (Estate) by Bradley Miller, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) with Type 3 congregate living facility on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 27, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	-	Aye
Warren Newell, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Carol A. Roberts	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 27, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

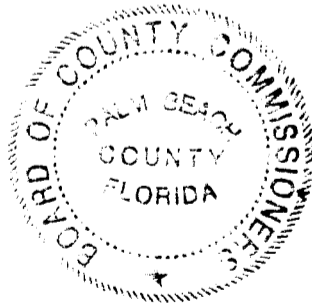


EXHIBIT A

LEGAL DESCRIPTION

TRACT 33, BLOCK 56, -PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 56 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS THE RIGHT-OF-WAY FOR JOG ROAD AS SHOWN ON PALM BEACH COUNTY'S RIGHT OF WAY MAP FOR PROJECT NO 90501 B. ALSO LESS THE CANAL RIGHT-OF-WAY FOR THE LAKE WORTH DRAINAGE DISTRICT L-25 CANAL, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT -B-I, JOG ESTATES, PUD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 84. PAGES 24 THROUGH 27 INCLUSIVE, OF SAID PUBLIC RECORDS-, THENCE N 89° 57' 33" W ALONG THE NORTH BOUNDARY OF SAID TRACT AND ITS WESTERLY EXTENSION, 368.10 FEET, THENCE N 00° 03' 11" W ALONG THE EAST BOUNDARY OF TRACT "B-2" AND ITS NORTHERLY EXTENSION ACCORDING TO SAID PLAT, 624.82 FEET, THENCE S 90° 00' 00" E ALONG THE EASTERLY EXTENSION OF THE NORTH BOUNDARY OF TRACT W-I, ACCORDING TO SAID PLAT, 373.09 FEET TO THE WEST RIGHT OF WAY OF JOG ROAD, AS LAID OUT AND CURRENTLY IN USE AND SHOWN ON PALM BEACH COUNTY'S RIGHT OF WAY MAP FOR PROJECT NO 90501 B; THENCE S 00° 24' 17" W ALONG SAID WEST RIGHT OF WAY, 625.10 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA CONTAINING 231,606 SQUARE FEET (5.317 ACRES), MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

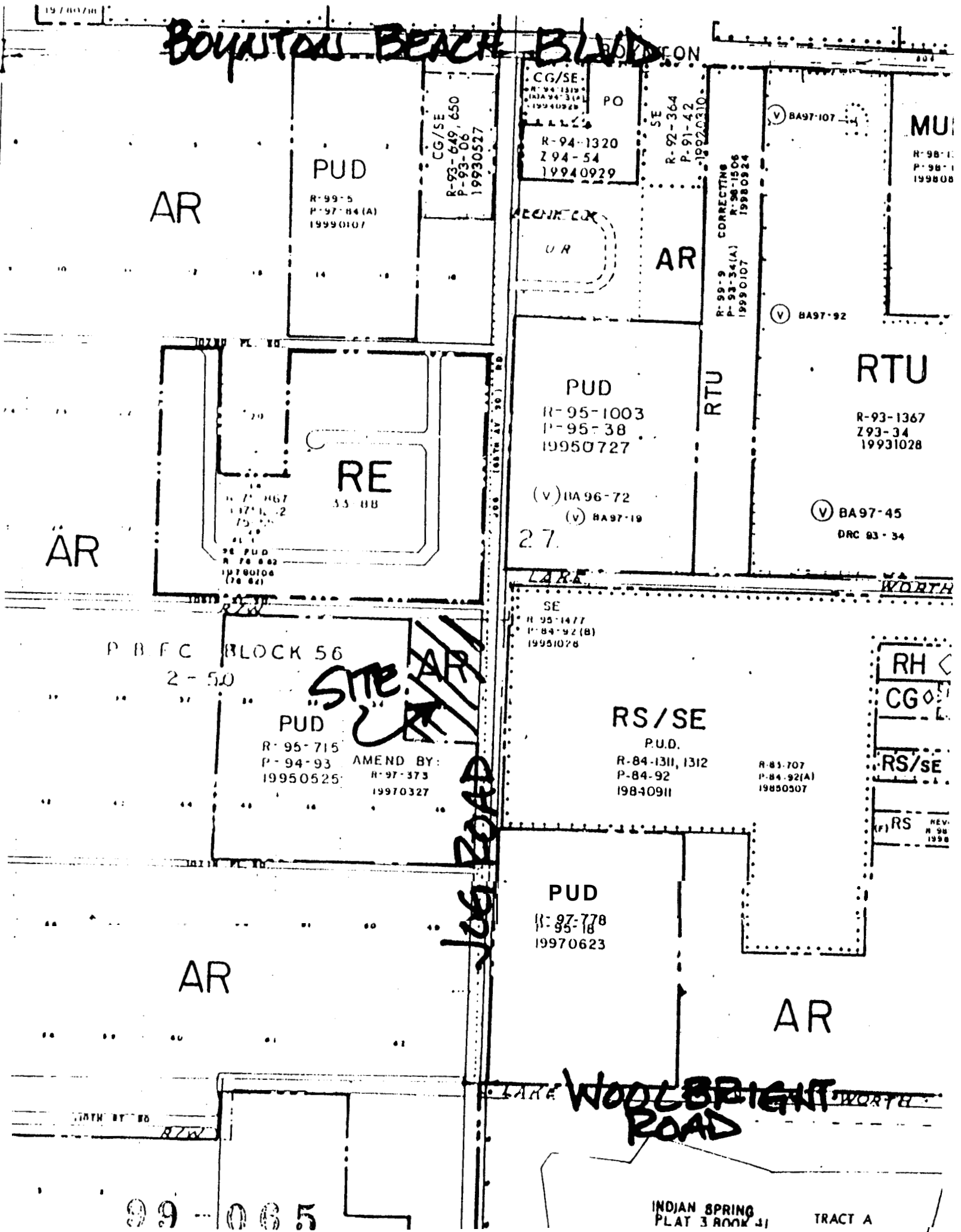


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the use as approved by the Board of County Commissioners. The approved site plan is dated October 13, 1999. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. The exterior elevations of all buildings shall include the following:
 - a. Full pitched roof or a hip-on-deck roof (roof styles may vary but usually pitched roof does bring scale down if proportioned correctly with overall height) with varied roof elevations within the same building. The varied elevations shall be accomplished by horizontally offsetting or jogging the roof plane so that all roof lines shall not run in a continuous distance for more than 150 feet (edit as applicable to bldg footprint);
 - b. Varied building materials and textures (may alter according to area or neighborhood);
 - c. Exterior colors shall be neutral, pastel, or earth tone colors. Building colors shall be varied by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors;
 - d. Combination of architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, columns or pilasters, and/or quoins;
 - e. Integrated design of gutters and downspouts into the architectural design of the building;
 - f. Similar architectural character and treatment shall be provided on all sides of the building;
 - g. All roof top mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment (i.e. cupola, dormer, etc.);
 - h. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture; and,
 - i. All building entries shall be easily identifiable and integrated into the building's architecture. (DRC/BLDG PERMIT: ZONING/BLDG/ZONING)

C. BUILDING AND SITE DESIGN

1. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed thirty-five (35) feet, excluding unoccupied decorative architectural elements which are not the major component of the roofing system (i.e. spires, belfries, etc.). All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

2. All ground mounted air conditioning and mechanical equipment including satellite dishes, shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zor ing)

D. LANDSCAPING ALONG EAST PROPERTY LINE (JOG ROAD)

1. Landscaping and buffering along the east property line shall include:

A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
(CO: LANDSCAPE)

E. ENGINEERING

1. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

A. Prior to technical compliance by the Land Development Divisor , the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Jog Road right-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (TC: ENGINEERING)

B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner, and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed concurrent with the improvements with the first plat. (ENGINEERING)

C. If the County does not assume maintenance responsibility, the property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

2. “CUTOUT” LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIUM OF JOG ROAD

A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide landscape cutouts within the concrete median of Jog Road right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. All new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (ELDG PERMIT:MONITORING - Eng.)

B. All required median landscaping, including an irrigation system, the cost of the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. When landscape cutouts are permitted the, landscaping shall consist of Landscape Material approved by the County Engineer. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)

c. If the County does not assume maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

F. LANDSCAPING ALONG NORTH, WEST, AND SOUTH PROPERTY LINES

1. A continuous two (2) foot high berm measured from top of curb. (CO: LANDSCAPE)

G. LWDD

1. The owner voluntarily agrees to convey to the District, either by quit claim deed or easement, the north 55 feet of Tract 33 for the required right-of-way for the L-25 canal, less the lands owned by the District. (PLAT: ENG-LWDD)

H. PLANNING

1. Use of the site shall be limited to a Congregate Living Facility (CLF), Type 3 or any other type of residential use in accordance with the property's previous LR-3 land use category. (DRC/ONGOING: PLANNING)
2. Prior to final site plan approval by the Development Review Committee, the Planning Division shall ensure that this site plan conforms with the plan presented to the BCC including those recommendations of the West Boynton Area Community Plan incorporated onto the site plan and preliminary development plan dated October 13, 1999 (Rec. # 37, 40 and 47). In addition, the street cross section shown on the preliminary development plan shall be revised to indicate the types of shade trees to be planted along Jog Road. (DRC: PLANNING)
3. Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 37, 40 and 47 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian and bicycle circulation internal to the site, through the proposed CLF development. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum clear trunk of five (5) feet. (DRC: PLANNING)

I. USE LIMITATION

1. The CLF shall be limited to a maximum of 101 beds. (DRC: BUILDING/HEALTH - Zoning)

J. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standard; of the ULDC at the time of the finding of non-compliance, or the addition

- or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)



**Department of Planning,
Zoning & Building**
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West Palm Beach, FL 33406
(561)233-5000
www.co.palm-beach.fl.us



**Palm Beach County
Board of County
Commissioners**

Maude Ford Lee, Chair

Warren H. Newell, Vice Chairman

Karen T. Marcus

Carol A. Roberts

Mary McCarty

Burt Aaronson

Tony Masilotti

County Administrator

Robert Weisman

**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING**

TO: Phyllis House, Minutes Manager
FROM: William C. Whiteford, Zoning Director *WCW*
DATE: January 31, 2000 *dy 1-31-00*
RE: Amended Conditions from the January 27, 2000
BCC Hearing

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on January 27, 2000.

The following petitions were amended:

Z99-041	The Enclave Shoppes
PDD99-065	Jog Pines CLF
CA99-029	Stop & Shop

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