

RESOLUTION APPROVING ZONING PETITION DOA89-35(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF FORTY-SIX EIGHTY-FIVE HAVERHILL, INC.

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 **of** the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA89-35(A) was presented to the Board of County Commissioners at a public hearing conducted on December 6, 1993; and

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

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with relevant and appropriate portions **of** Article 6, Supplementary Use Standards **of** the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible **as** defined in the Palm Beach county Land Development Code and generally consistent with the uses and character **of** the land surrounding and in the vicinity **of** the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by applicable provisions of the Palm Beach County Land Development **Code** for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
 - a. This Development Order Amendment has **a** concurrency reservation and therefore complies with Art. 11 (Adequate Public Facility Standards) **of** the Palm Beach County Land Development **Code**.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County 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 DOA89-35(A), the petition of Forty-Six Eighty-Five Haverhill, Inc., for a DEVELOPMENT ORDER AMENDMENT in the Multi-Family Residential (RM) Zoning District, to amend master master plan for previously approved CLF-3; amend conditions 1.A (landscape), 5 (building size; number of beds); 12 (paving 47th Place) of Resolution R-89-1616, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on December 6, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Absent
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 6th day of December, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

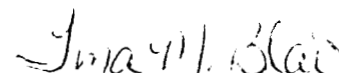
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

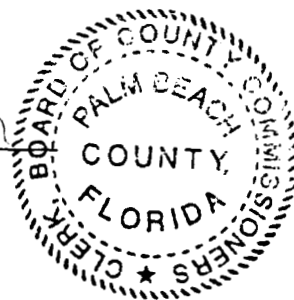


EXHIBIT A

LEGAL DESCRIPTION

THE NORTH ONE-HALF, LESS THE WEST 244 FT. THEREOF OF TRACT 16, AND THE SOUTH ONE-HALF OF TRACT 16, ACCORDING TO THE PLAT OF THE SUBDIVISION OF SECTION 11, TOWNSHIP 43 SOUTH, RANGE 42 EAST, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, AS RECORDED IN PLAT BOOK 20, AT PAGE 53, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING IN ALL 7.16 ACRES, MORE OR LESS.

EXHIBIT A

EXHIBIT B
VICINITY SKETCH

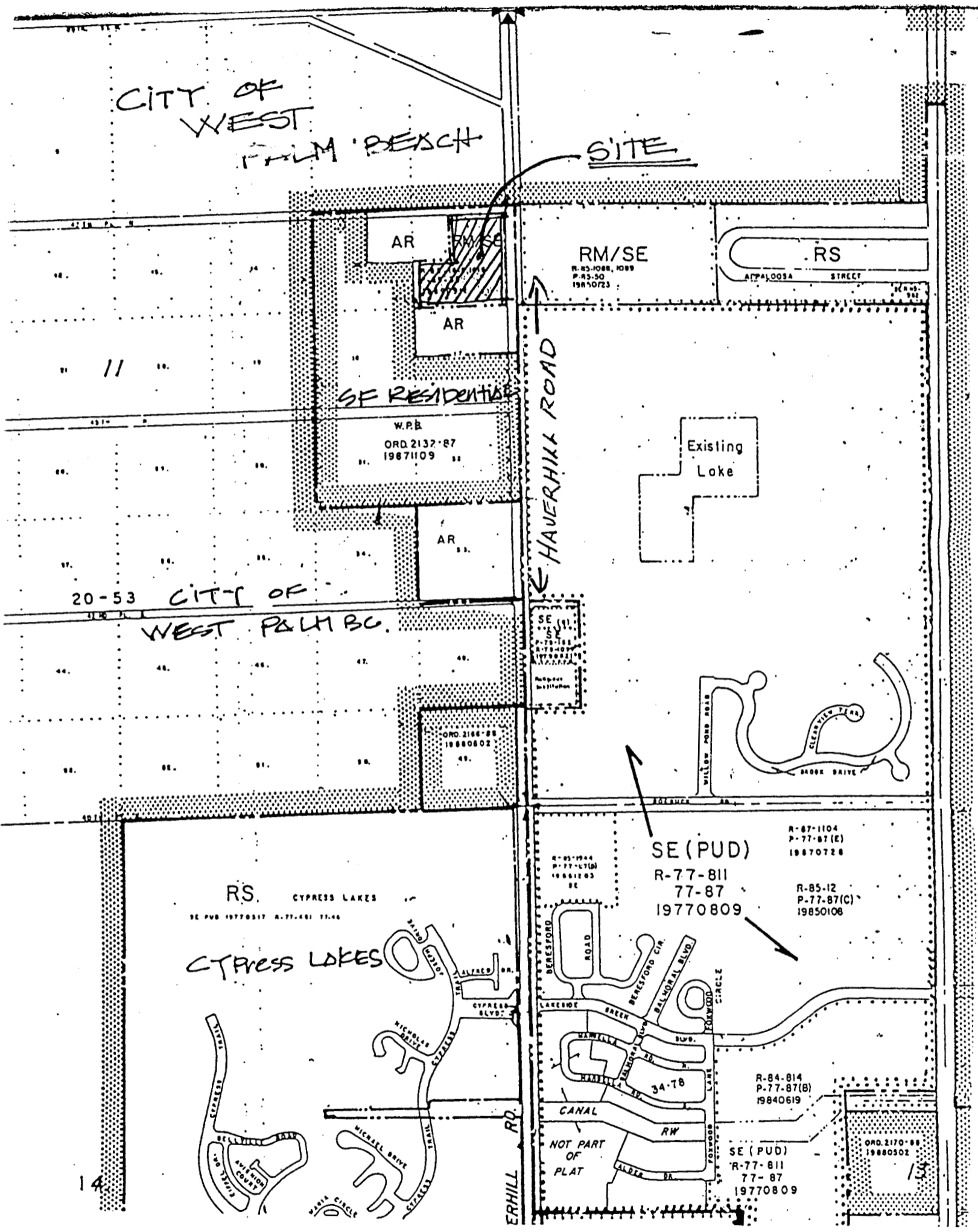


EXHIBIT C
CONDITIONS OF APPROVAL

A. GENERAL

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-89-1616, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, unless expressly modified. (MONITORING)

2. Condition No. 1 of Resolution R-89-1616, which currently states:

Prior to certification, the Master Plan shall be amended to indicate the following:

- a. **Foundation planting using palms, canopy trees and hedge materials shall also be used to visually reduce the scale of the facility.**

Is hereby amended to state:

Prior to site plan certification, the preliminary development plan shall be amended to delete access from 47th Place North (ZONING).

3. **Outdoor lighting used to illuminate the premises shall be low intensity shielded and directed away from adjacent residential lots.** (Previously Condition 2 of R-89-1616, Petition 89-35).

4. Condition No. 3 of Resolution R-89-1616, which currently states:

Off premise signs shall not be permitted on site.

Is hereby deleted. [REASON: CODE REQUIREMENT]

5. **No outdoor loudspeaker system shall be permitted on site.** (Previously Condition 4 of R-89-1616, Petition 89-35).

6. Prior to issuance of a building permit, the petitioner shall vacate the existing drainage easement recorded in **OR Book 6558 page 1911, public records of Palm Beach County, in a manner and form acceptable to the County Attorney and County Engineer.** (BUILDING/ENGINEERING)

B. PRESERVATION

1. **Prior to certification of the Master Plan the petition shall apply for a Vegetation Removal Permit covering the entire site. Triple fees shall be charged for this vegetation removal permit.**

The petitioner shall submit with building permit application a complete set of landscape plans which substantially reestablishes the native pine flatwoods vegetative community that existed on site prior to clearing. This plan shall consist of:

a. **A minimum of seventy-five (75) percent native tree species associated with pine flatwoods:**

b. **A minimum of 416 trees; and,**

c. **A minimum of one (1) native understory plant for every two (2) feet of linear perimeter dimension.** (Previously Condition 6 of R-89-1616, Petition 89-35).

C. ENVIRONMENTAL RESOURCE MANAGEMENT (ERM)

1. Condition **9 of** R-89-1616 (Petition 89-35), which currently states:

There is a potential for hazardous materials to be stored onsite, an Affidavit of Notification must be executed by site plan certification.

Is hereby amended to state:

A Wellfield Affidavit of Notification shall be submitted to the Department of Environmental Resources Management prior to DRC Final Plan certification. (ERM)

D. HEALTH

1. Condition No. **7 of** Resolution R-89-1616, which currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.

Is hereby amended to state:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-I. (HEALTH)

2. Condition No. **8 of** Resolution R-89-1616, which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

Is hereby amended to state:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)

E. ENGINEERING

1. **The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (Previously Condition 10 of R-89-1616, Petition 89-35).**
2. **Within 90 days of approval of this project, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:**

- a. **Haverhill Road, 55 feet from centerline; and,**

- b. 47th Place, 30 feet from centerline free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously Condition 11 of R-89-1616, Petition 89-35).
3. The Property owner shall construct South 47th Place from Eaverhill Road to the project's west property line minimum 2-10 travel lanes - local street standards concurrent with the construction of the project's entrance road onto 47th Place. (Previously Condition 12 of R-89-1616, Petition 89-35).
4. Condition No. 13 of R-89-1616, which currently states:
- The Property owner shall convey to Palm Beach County within 90 days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Haverhill Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Haverhill Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.
- Is hereby deleted. [Reason: no longer required.]
5. Condition No. 14 of R-89-1616, which currently states:
- The petitioner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$14,735.00 (550 trips X \$26.79 per trip).
- Is hereby amended to state:
- The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is \$25,960 (472 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).
6. Prior to site plan certification the developer shall submit preliminary conceptual drainage plans to the Office of the County Engineer. These conceptual drainage plans shall meet all minimum drainage requirements of the Palm Beach County. (ENGINEERING)
7. Condition No 15 of Resolution 89-1616, which currently states:
- In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:

- a. Building permits for no more than 95 beds shall be issued until construction has begun for Haverhill Road from 45th Street to Roebuck Road as a 5 lane section plus the appropriate paved tapers. Currently scheduled by Palm Beach County during the Fiscal Year 1992-1993. Should this developer undertake the Eaverhill Road construction, as identified in the current five (5) year road program construction from 45th Street to Roebuck Road, the remaining beds will be permitted to be constructed when construction for this section commences.

Is hereby deleted. [Reason: road widened]

8. Condition No. 16 of Resolution R-89-1616, which currently states:

The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.

Is hereby amended to state:

The Developer shall plat the subject property in accordance with provisions of the ULDC prior to September 12, 1994. (MONITORING/ENGINEERING)

9. Prior to approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney. (Previously Condition 17 of R-89-1616, Petition 89-35.).

[NOTE: Completed]

F. LANDSCAPE GENERAL

1. To mitigate any impact with surrounding residential areas, all trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (ZONING)

G. LANDSCAPING ALONG NORTH, WEST & SOUTH PROPERTY LINE

1. Landscaping and buffering along the entire west property line, shall be upgraded to include a six (6) foot high opaque concrete wall pursuant to Exhibit W of Zoning Petition 89-35(A) and landscaped pursuant to Exhibit L of Zoning Petition 89-35(A). The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (BUILDING-Zoning)

The following landscaping requirements shall be installed along the portion of the west property line were a wall is required pursuant to Exhibit W:

- a. One (1) native canopy tree planted every twenty (20) feet on center;

- b. One (1) native palm tree or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees or pine trees may supersede the requirement for a native canopy tree in that location; and,
- c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of sixty (60) inches. (BUILDING-Zoning)

2. The following landscaping requirements shall be installed along the entire north and south property line:

- a. One (1) native canopy tree planted every twenty (20) feet on center;
- b. One (1) native palm tree or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees or pine trees may supersede the requirement for a native canopy tree in that location; and,
- c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of sixty (60) inches. (BUILDING-Zoning)

H. LANDSCAPING ALONG EAST PROPERTY LINE

- 1. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (BUILDING-Zoning)

I. SITE DESIGN

- 1. Condition No. 5 of Resolution R-89-1616, which currently states:

Use of the site shall be limited to a Congregate Living Facility for two hundred twenty (220) residents. In the case of conversion the site shall be limited to a maximum of twelve (12) dwelling units per acre.

Is hereby amended to state:

Use of the site shall be limited to an Adult Congregate Living Facility Type III with a maximum of two hundred twenty (220 beds) residents in maximum of one hundred forty four (144) rooms and a 22,000 square foot accessory building. In the case of conversion to conventional housing, the site shall be limited to a maximum of fifty seven (57) dwelling units and any additional units permitted pursuant to Section 6.9 (Voluntary Density Bonus) of the ULDC. (ZONING/BUILDING)

- 2. To ensure accessibility to all units by CLF residents, all buildings shall comply with all accessibility standards of the Florida Americans with Disabilities Accessibility Implementations Act dated October 1, 1993, F.S. 553.501 - F.S. 553.513 and provide acceptable vertical accessibility to all second story units. (BUILDING)

3. To ensure that the proposal will comply with the ULDC, prior to October 1, 1994 or the issuance of the Certificate of Occupancy (CO) of the fifty fourth (54) dwelling unit, whichever occurs first, the petitioner shall amend the Preliminary Development Plan to include a minimum of two unit types or obtain a variance from the Board of Adjustment. In the event the ULDC is amended to delete the requirement for PUD's to provide a minimum of two unit types, the petitioner shall be relieved of this requirement. (MONITORING/BUILDING-ZONING)
4. **Vehicular access to the site shall be prohibited from 47th Palce North. (BUILDING-Zoning)**
5. To ensure compliance with the requirements of the ULDC, the location of the accessory building and recreation access shall be limited to the location indicated on the Preliminary Development Plan dated November 15, 1993. (ZONING)

J. MONITORING

1. Condition No. 18 of Resolution R-89-1616, which currently states:

Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Is hereby deleted. [Reason: code requirement]

K. PLANNING

1. To ensure the proposed development is consistent with the requested use, the requirements of the Comprehensive Plan and the ULDC, prior to site plan certification by the Development Review Committee, the petitioner shall execute and record in the public records of Palm Beach County, a deed restriction that covenants the use of the subject property as a Congregate Living Facility Type III in a manner and form acceptable to Palm Beach County Planning and Zoning Division and the County Attorney. (PLANNING/COUNTY ATTORNEY)

L. ANNEXATION

1. The property owner shall voluntarily annex **into the City** of West palm Beach at such time the subject **property** becomes the subject of an annexation proposal **by the City.** (PLANNING)

M. SIGNS

1. To ensure consistency with the proposed development, project identification signs shall be limited as follow!;:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum total sign face area per side - 50 square feet;
 - c. Maximum number of signs - one on Haverhill Road.
 - d. Type - monument style only. (BUILDING)