

RESOLUTION APPROVING ZONING PETITION **EAC81-115(D)**
DEVELOPMENT ORDER AMENDMENT
PETITION OF HEALTH CARE & RETIREMENT OF AMERICA, 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;

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 **EAC81-115(D)** 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.
8. 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 EAC81-115(D) the petition of Health Care & Retirement of America, Inc. for a DEVELOPMENT ORDER AMENDMENT in the General Commercial (CG)/ (PCD) Zoning District, to amend condition 1, b of Resolution R-93-2, 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 Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Foster 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	--	Absent

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: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

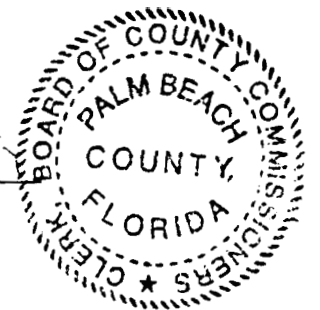


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF TRACT 21, BOCA DEL MAR NO. 6 AS RECORDED IN PLAT BOOK 30, PAGES 142 AND 143, IN SECTION 28, TOWNSHIP 47 SOUTH, RANGE 42 EAST; COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 21; THENCE WITH A BEARING OF N89°50'07"E ALONG THE NORTH LINE OF TRACT 21, A DISTANCE OF 575.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WITH A BEARING OF N89°50'07"E ALONG SAID NORTH LINE OF TRACT 21, A DISTANCE OF 709.63 FEET TO A POINT; THENCE WITH A BEARING OF S01°03'02"E, A DISTANCE OF 420.00 FEET TO A POINT; THENCE WITH A BEARING OF S46°03'02"E, A DISTANCE OF 267.35 FEET TO A POINT; THENCE WITH A BEARING OF N88°56'58"E, A DISTANCE OF 44.00 FEET TO A POINT; THENCE WITH A BEARING OF S35°27'47"W, A DISTANCE OF 329.71 FEET TO A POINT; THENCE WITH A BEARING OF S09°13'58"W, A DISTANCE OF 230.00 FEET TO A POINT LYING ON A CURVE CONCAVE TO THE SOUTH, BEING COINCIDENT WITH THE SOUTHERLY BOUNDARY OF TRACT 21; THENCE ALONG SAID CURVE HAVING AN INITIAL TANGENT BEARING OF N80°46'02"W, A RADIUS OF 1,677.02 FEET, AN ARC LENGTH OF 460.73 FEET TO A POINT OF TANGENCY; THENCE WITH A BEARING OF S83°50'00"W, A DISTANCE OF 89.79 FEET TO A POINT OF CURVATURE; THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 1,597.02 FEET, AN ARC LENGTH OF 155.31 FEET TO A POINT, THE LAST THREE COURSES BEING COINCIDENT WITH THE SOUTHERLY BOUNDARY OF TRACT 21; THENCE WITH A BEARING OF N00°10'00"W, A DISTANCE OF 125.00 FEET TO A POINT OF CURVATURE; THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 49.84 FEET TO A POINT OF REVERSE CURVATURE; THENCE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 375.00 FEET, AN ARC LENGTH OF 204.96 FEET TO A POINT OF TANGENCY; THENCE WITH A BEARING OF N15°09'53"W, A DISTANCE OF 125.05 FEET TO A POINT OF CURVATURE; THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 225.00 FEET, AN ARC LENGTH OF 117.81 FEET TO A POINT OF REVERSE CURVATURE; THENCE WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 620.00 FEET, AN ARC LENGTH OF 324.63 FEET TO A POINT OF REVERSE CURVATURE; THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 45.81 FEET TO A POINT OF TANGENCY; THENCE WITH A BEARING OF N00°09'53"W, A DISTANCE OF 125.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

81-115D

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EXHIBIT B
VICINITY SKETCH

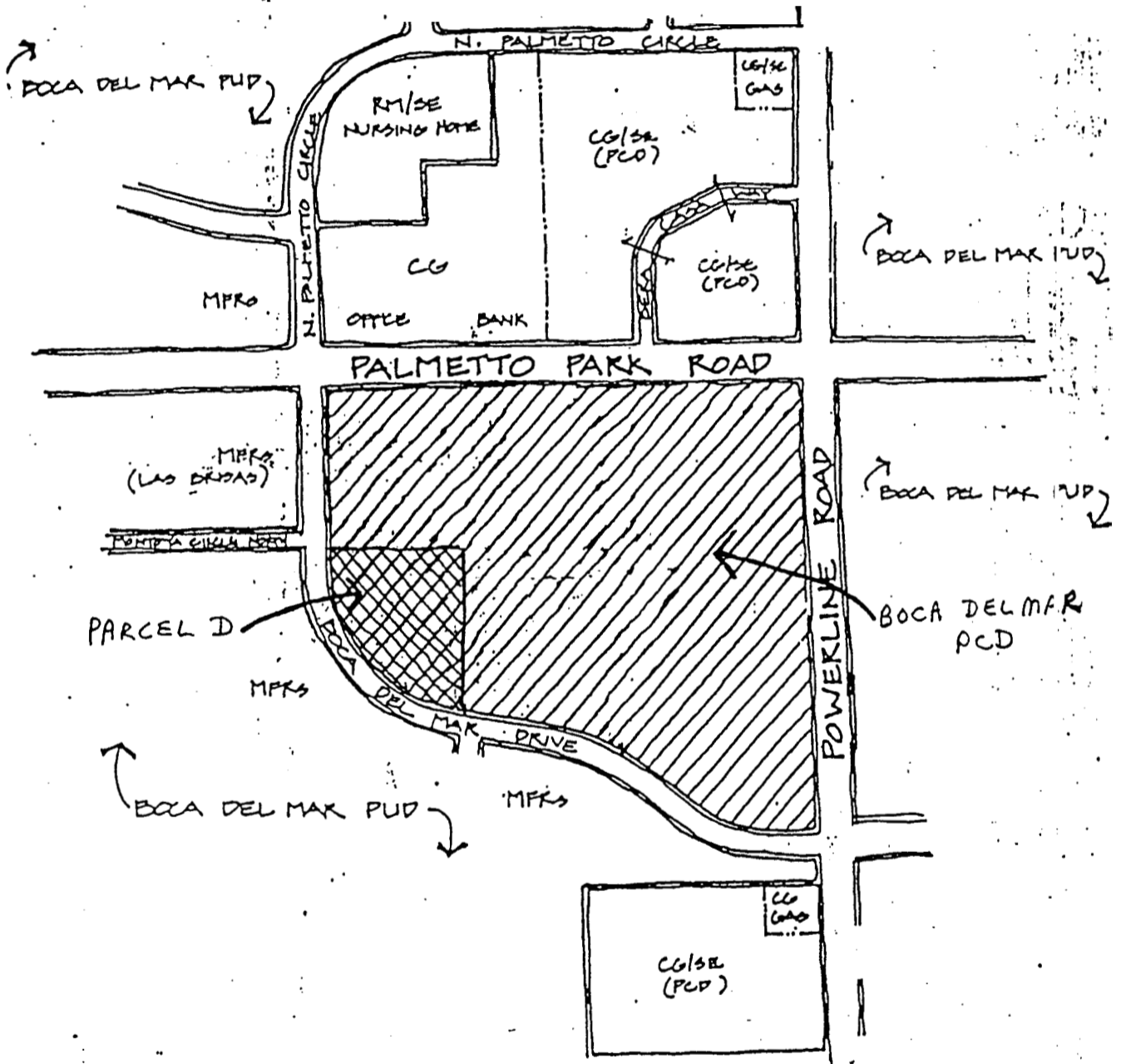


EXHIBIT C

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning code Section 5.8 of the Palm Beach County Land Development Code, unless expressly modified herein. (Previously Condition No. A.1 of Resolution No. R-93-2, .Petition No. 81-115(C)). (ZONING/ MONITORING)
2. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County. (Previously Condition No. A.2 of Resolution No. R-93-2, Petition No. 81-115(C)), (ZONING)

B. BUILDING AND SITE DESIGN

1. All air conditioning and mechanical equipment shall be screened from view on all sides. (Previously Condition No. B.1 of Resolution No. R-93-2, Petition No. 81-115(C)). (ZONING-Building)
2. Prior to certification of the site plan for Parcel D, the petitioner shall provide the following:
 - a. The delineation of the required pedestrian/bikeway system integrated with the surrounding development.
 - b. Surrounding land uses. (Previously Condition No. B.2 of Resolution No. R-93-2, Petition No. 81-115(C)). (ZONING)

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall include the following:
 - a. Be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate.
 - b. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty-six (36) inch high shrub and hedge material planted twenty-four (24) inches on center. (Previously Condition No. C.1 of Resolution No. R-93-2, Petition No. 81-115(C)). (ZONING-Building)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The site is dominated by mature Brazilian Pepper (*Schinus terebinthifolius*) with Australian Pine (*Casuarina Spp.*) and mature Slash Pine (*Pinus elliotii*) as the principal species. The petitioner shall preserve the native slash pines to the greatest extent possible through incorporation into the site plan. (Previously Condition No. D.1 of Resolution No. R-93-2, Petition No. 81-115(C)). (ERM)

E. ENGINEERING

1. **Petitioner shall align the project's east entrance onto Palmetto Park road with the east entrance of Del Mar Shopping Village.** (Previously Condition No. E.3 of Resolution No. R-93-2, Petition No. 81-115(C)). (ENGINEERING)

NOTE: Condition is currently satisfied.

2. **Petitioner shall construct at the intersection of Palmetto Park Road and the project's east entrance:**
 - a. **left turn lane east approach.** (Previously Condition No. E.4 of Resolution No. R-93-2, Petition No. 81-115(C)). (ENGINEERING)

NOTE: Condition is currently satisfied.

3. **Petitioner shall construct at the intersection of Palmetto Park Road and the project's west entrance:**
 - a. **left turn lane east approach.** (Previously Condition No. E.5 of Resolution No. R-93-2, Petition No. 81-115(C)) (ENGINEERING)

NOTE: Condition is currently satisfied.

4. **Petitioner shall construct at the intersection of Palmetto Park Road and Boca Del Mar Drive:**
 - a. **left turn lane north approach,**
 - b. **right turn lane south approach, and**
 - c. **left turn lane east approach.** (Previously Condition No. E.6 of Resolution No. R-93-2, Petition No. 81-115(C)). (ENGINEERING)

NOTE: Condition is currently satisfied.

6. **Petitioner shall align the project's west entrance onto Boca Del Mar Drive with Montoya Circle South.** (Previously Condition E.7 of Resolution R-93-2, Pet. 81-115(C)) (ENGINEERING)

NOTE: Condition is currently satisfied.

7. **Petitioner shall construct at the intersection of Montoya Circle South and Boca Del Mar Drive:**
 - a. **left turn lane west approach.** (Previously Condition No. E.8 of Resolution No. R-93-2, Petition No. 81-115(C)). (ENGINEERING)

NOTE: Condition is currently satisfied.

8. **Petitioner shall construct at the project's east entrance and Boca Del Mar Drive:**
 - a. **left turn lane west approach.** (Previously Condition No. E.9 of Resolution No. R-93-2, Petition No. 81-115(C)). (ENGINEERING)

NOTE: Condition is currently satisfied.

9. **Petitioner shall align the project's north entrance onto Boca Del Mar Drive with Kontoya Circle South.** (Previously Condition No. E.10 of Resolution No. R-93-2, Petition No. 81-115(C)). (ENGINEERING)

NOTE: Condition is currently satisfied.

10. **Petitioner shall construct at the project's north entrance and Boca Del Mar Drive:**

- a. **left turn lane north approach.** (Previously Condition No. E.11 of Resolution No. R-93-2, Petition No. 81-115(C)). (ENGINEERING)

NOTE: Condition is currently satisfied.

11. **Petitioner shall construct at the intersection of Boca Del Mar Drive and Powerline Road:**

- a. **left turn lane north approach,**
b. **left turn lane south approach,**
c. **right turn lane east approach,**
d. **left turn lane west approach, and**
e. **right turn lane west approach.** (Previously Condition No. E.12 of Resolution No. R-93-2, Petition No. 81-115(C)). (ENGINEERING)

NOTE: Condition is currently satisfied.

12. **Petitioner shall construct at the intersection of Powerline Road and the project's entrance road:**

- a. **right turn lane north approach, and**
b. **left turn lane south approach.** (Previously Condition No. E.13 of Resolution No. R-93-2, Petition No. 81-115(C)). (ENGINEERING)

NOTE: Condition is currently satisfied.

13. **Petitioner shall construct at the intersection of Palmetto Park Road and Powerline Road:**

- a. **right turn lane north approach,**
b. **dual left turn lanes north approach,**
c. **dual left turn lanes south approach,**
d. **dual left turn lanes east approach,**
e. **dual left turn lanes west approach, and**
f. **modification of the existing signal when warranted as determined by the County Engineer.** (Previously Condition No. E.14 of Resolution No. R-93-2, Petition No. 81-115(C)). (ENGINEERING)

NOTE: Condition is currently satisfied.

14. Prior to the issuance of a certificate of occupancy for either Phase B (the shopping center) or Phase C (office complex) provide an additional two lane bridge over the Lake Worth Drainage District L-47 Canal on Powerline Road. Construction of this bridge shall commence 30 days after written notification by the County should the 4-laning of Powerline Road require it. (Previously Condition No. E.15 of Resolution No. R-93-2, Petition No. 81-115(C)). (ENGINEERING)

NOTE: Condition is currently satisfied.

15. ~~Petitioner shall not obtain any building permits for~~ Phases A (the financial plaza), Phase D (an office complex), or Phase E (the hotel/motel) until Powerline Road is four laned from the Hillsboro Canal north to the Lake Worth Drainage District L-47 Canal. (Previously Condition No. E.16 of Resolution No. R-93-2, Petition No. 81-115(C)). (ENGINEERING)

NOTE: Condition is currently satisfied.

16. Petitioner shall contribute Two Hundred Thousand Dollars (\$200,000) to be paid at the time of the issuance of building permits on a square footage basis for Phases A, D and E as indicated on Exhibit No. 3 for this petition. This fee to be used in the implementation for Phase II of the area wide major thoroughfare road improvement program adopted by the County, OR for the four-laning of the Hillsboro Canal bridge on Powerline Road, at the County Engineer's discretion. (Previously Condition No. E.17 of Resolution No. R-93-2, Petition No. 81-115(C)). (ENGINEERING-Impact Fee Coordinator)

17. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters. (Previously Condition No. E.19 of Resolution No. R-93-2, Petition No. 81-115(C)). (ENGINEERING-Code Enforcement)

18. Petitioner shall provide for a pedestrian/bikeway system integrated with the surrounding development. (Previously Condition No. E.20 of Resolution No. R-93-2, Petition No. 81-115(C)) (ENGINEERING-Zoning)

19. Within thirty (30) days of this approval, the applicant shall enter into an agreement with Palm Beach County for the design and construction of roadway improvements as specified by the Board of County Commissioners. This resolution will become invalid unless said agreement is executed as specified above. (Previously Condition No. E.21 of Resolution No. R-93-2, Petition No. 81-115(C)) (ENGINEERING)

NOTE: Condition is currently satisfied.

F. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (Previously Condition No. F.1 of Resolution No. R-93-2, Petition No. 81-115(C)) (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition No. F.2 of Resolution No. R-93-2, Petition No. 81-115(C)) (HEALTH)
3. Potable water and sewage disposal shall be provided by the City of Boca Raton. (Previously Condition No. F.3 of Resolution No. R-93-2, Petition No. 81-115(C)). (HEALTH)

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. (Previously Condition F.1 of Resolution No. R-92-56, Petition No. 81-115(B)) (UTILITIES)

H. LANDSCAPING - GENERAL (APPLICABLE TO PARCEL A ONLY)

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to Landscape Code requirements and all landscape conditions of approval. (Previously Condition No. G.1 of Resolution No. R-92-56, Petition No. 81-115(B)) (ZONING)

I. LANDSCAPING - GENERAL (APPLICABLE TO PARCEL D ONLY)

1. Prior to site plan certification, the petitioner shall provide tabular data on the site plan to reflect conformance to the landscape design standards for planned developments in Section 6.8.A.23.b.(7)(b) of the Palm Beach County Land Development Code and all landscape conditions of approval. (Previously Condition No. 1.2 of Resolution No. R-93-2, Petition No. 81-115(C)). (ZONING)
2. 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. (Previously Condition No. 1.2 of Resolution No. R-93-2, Petition No. 81-115(C)). (ZONING)

J. LANDSCAPING ALONG BOCA DEL MAR DRIVE (PARCEL D ONLY)

1. Landscaping within the required buffer along Boca Del Mar Drive shall be installed pursuant to Section 6.8.A, Table 6.8-3, Type D perimeter landscape area of the Palm Beach County Land Development Code and shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip.
 - b. One (1) native canopy tree for every two hundred (200) square feet of landscape buffer area.
 - c. Thirty (30) inch high shrub or hedge material for every one hundred fifty (150) square feet of landscape buffer area at installation, maintained at a minimum height of forty two (42) inches. (Previously Condition No. J.1 of Resolution No. R-93-2, Petition No. 81-115(C)). (ZONING)

K. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (PARCEL D ONLY)

1. Landscaping and buffering along the north and east property lines of Parcel D shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip measured from the edge of pavement along the north property line and a minimum twenty-five (25) foot wide landscape buffer strip measured from the edge of pavement along the east property line.
- b. A six (6) foot high opaque berm, hedge or combination thereof. (Previously Condition No. K.1 of Resolution No. R-93-2, Petition No. 81-115(C)). (ZONING)

L. ALTERNATIVE LANDSCAPE BETTERMENT PLAN (PARCEL D ONLY)

1. The petitioner may submit, to the Development Review Committee for approval, an Alternative Landscape Betterment Plan (ALBP) to substitute for the condition of approval for landscaping requirements for parcel D only. At a minimum this ALBP shall demonstrate:
 - a) The quality of plant material required by the applicable landscape and buffering conditions of approval is being utilized;
 - b) The minimum specifications of all plant material sizes as indicated in the conditions of approval are utilized; and,
 - c) That maximum spacing between planting groups does not exceed fifty (50) feet. (ZONING\BUILDING)

M. LANDSCAPING - INTERIOR (APPLICABLE TO PARCEL A ONLY)

1. Immediately upon planting, all trees within the proposed interior parking area shall be a minimum of fourteen (14) feet in height with a minimum diameter of three and one-half (3.5) inches measured at a point which is at least four and one-half (4.5) feet above existing grade level. (Previously Condition No. L.1 of Resolution No. R-93-2, Petition No. 81-115(C)). (ZONING)
2. The trees within the proposed parking area shall have a minimum of five (5) feet of clear trunk and a minimum seven (7) foot canopy spread. (Previously Condition L.2 of Resolution No. R-93-2, Petition 81-115(C)). (ZONING)

N. PARKING

1. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives. (Previously Condition No. M of Resolution No. R-93-2, Petition No. 81-115(C)). (ZONING-Code Enforcement)

O. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (Previously Condition No. N.1 of Resolution No. R-93-2, Petition No. 81-115(C)). (ZONING-Solid Waste Authority)
2. Prior to site plan certification, receptacles for recycled material shall be designated on the site plan, located in the parking area or adjacent to the dumpster location. (Previously Condition No. N.2 of Resolution No. R-93-2, Petition No. 81-115(C)). (ZONING)

P. SIGNS

1. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. ~~No~~ ^{No} snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site. (Previously Condition No. 0.1 of Resolution No. R-93-2, Petition No. 81-115(C)). (ZONING-Bldg/Code Enforcement)
2. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive, ~~as the conditions of approval, the regulations~~ ^{as the conditions of approval, the regulations} amended Sign Code shall supersede all **sign-related conditions of approval.** (Previously Condition No. 0.2 of Resolution No. R-93-2, Petition No. 81-115(C)). (ZONING-Building)
3. Signs for Parcel D shall be further limited and meet the following requirements:
 - a. Maximum sign height, measured from crown of road - eight (8) feet;
 - b. Maximum sign face area per side - 80 square feet;
 - c. Maximum number of signs - one (1). (Previously Condition No. 0.3 of Resolution No. R-93-2, Petition No. 81-115(C)). (BUILDING-Zoning)

Q. COMPLIANCE

1. As provided in Section 5.8 of the Palm Beach County Land Development Code, failure to comply with any of the conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of any conditional use and any zoning which was approved concurrently with the conditional use as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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. (Previously Condition No. P.1 of Resolution No. R-93-2, Petition No. 81-115(C)). (MONITORING)
2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Land Development Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (Previously Condition No. P.2 of Resolution No. R-93-2, Petition No. 81-115(C)), (MONITORING)