

RESOLUTION NO. R-94-1074

RESOLUTION APPROVING ZONING PETITION **DOA88-135(B)**
DEVELOPMENT ORDER **AMENDMENT**
PETITION OF SIGNET CORPORATION

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 **DOA88-135(B)** was presented to the Board of County Commissioners at a public hearing conducted on August 25, 1994; 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 exemption 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 DOA88-135(B), the petition of Signet Corporation, for a DEVELOPMENT ORDER AMENDMENT in the Residential High (RH) Zoning District, to amend Condition 5 (use limitation) of Resolution R-89-1251 and increase square footage, 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 August 25, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell 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	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of August, 1994.

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-

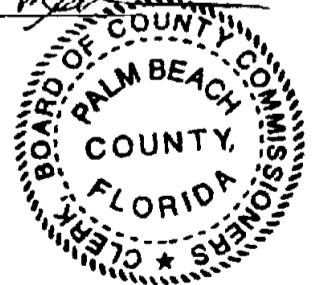
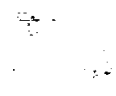


EXHIBIT A
LEGAL DESCRIPTION



The Gables of West Palm Beach (P.U.D.) as recorded in **Plat** Book 74, pages 63 through 64, **filed** in the public records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

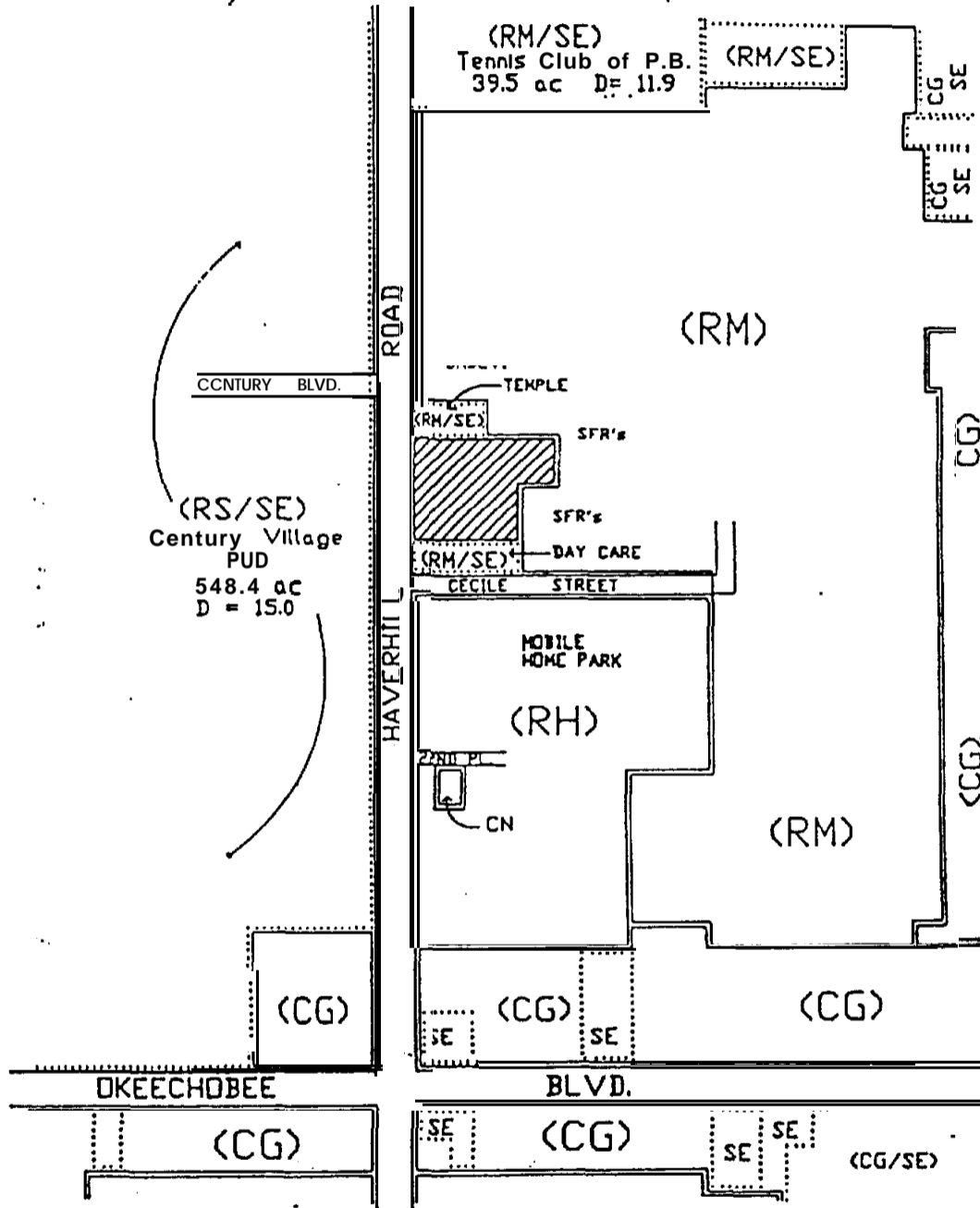


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified herein.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-89-1251, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval unless expressly modified. (MONITORING)

B. GENERAL

1. Petition No. **73-9 (A)**, of Boning Resolution No. R-86-91, a Special **Exception** to amend the site plan for a Day Care Center, **previously approved under Zoning** Petition an Adult Congregate Living Facility, is hereby repealed in its entirety. (Previously Condition No. 1 of Resolution R-89-1251) (ZONING)

2. **Condition No. 2 of Resolution No. R-89-1251, which currently states:**

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

- a. Location of the putting green **and** croquet field;
- b. The areas for relocation and/or preservation of all **cabbage palms** and slash pine;
- c. The **creation of an enclosed service area** by providing a six (6) foot high wing wall a minimum thirty (30) feet in length along the east side of the loading bays;
- d. Relocation of the dumpster to the enclosed service area: **and,**
- e. Breakdown **of** open space as established by the Zoning code, Section 500.21.

Is hereby deleted. [Reason: No longer applicable to the redesigned site]

3. Prior to submittal for Site Plan certification, the property owner shall record a Unity of Title on the subject property subject to approval by the County **Attorney.** (Previously Condition No. 9 of Resolution R-89-1251) (ZONING)

C. LANDSCAPING

1. 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. (BUILDING-Zoning)

D. LANDSCAPING ALONG THE EASTERN PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Condition No. 3, of Resolution No. R-89-1251, which currently states:

The petitioner shall supplement those portions of the twenty-five (25) foot buffer abutting residential lots with a six (6) foot high hedge and berm combination. The hedge shall be planted a maximum two **(2)** feet on center supplemented with twelve (12) foot high native canopy trees spaced a maximum fifty (50) feet on center with an equivalent of one **(1)** tree planted for each twenty (20) lineal feet.

Is hereby amended to state:

Landscaping and buffering along the eastern property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape **buffer** strip.
 - b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. **(BUILDING-Zoning)**
2. The following landscaping requirements shall be **installed** on the exterior side of the required wall:
 - 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.
 - 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 forty-eight (48) **inches**. **(BUILDING-Zoning)**
 3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a **minimum** height of thirty-six (36) inches. **(BUILDING)**

E. ENGINEERING

1. Condition No.12 of Resolution R-89-1251, which presently states:

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 **(ENGINEERING)**.

Is hereby deleted. [Reason: Code requirement]

2. **Condition No.13 of Resolution R-89-1251, which presently states:**

Within 90 days of approval of this project, the **property** owner shall convey to Palm Beach County by road **right-of-way** warranty deed for Haverhill Road, 55 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**.

Note : Data Base Indicates this condition has been completed.

3. **Condition No. 14 of Resolution R-89-1251, which presently states:**

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 **presently** is \$5412.00 (202 trips x \$26.79 per trip) **(IMPACT FEE COORDINATOR)**.

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 \$14157.00 (257 trips X \$55.00 per trip) **(IMPACT FEE COORDINATOR)**.

4. The Developer shall plat the subject **property** in accordance with provisions of ~~Palm Beach County's Subdivision Platting Ordinance 73-4~~ Article 8 01' the **ULDC**, as amended. (Previously Condition No 15 of Resolution R-89-1251) **(ENGINEERING)**

F. **LIGHTING**

1. Outdoor lighting used to illuminate the premises shall be of low intensity and directed away from adjacent residential lots and shall not exceed fifteen (15) feet in **height**. (Previously Condition No. 4 of Resolution No.R-89-1251) **(BUILDING/CODE ENFORCEMENT)**

G. CLF CONDITIONS

1. **Condition No. 8**, of Resolution R-89-1251, which currently states:

Should this development be converted to conventional residential dwellings, the maximum density shall not exceed 8 dwelling units per acre.

Is hereby amended to state:

Prior to site plan certification, the petitioner shall record a declaration of restrictions in a form acceptable to the County Attorney which expressly provides that:

- a. The conversion of the premises to conventional dwelling units is prohibited except in compliance with Section 6.4.0.24 (Congregate Living Facilities) of the ULDC, as it may be amended; and
 - b. If permitted, conversion will not result in an increase in the number of **"quarters"** and residents permitted on the site unless the converted **project** has obtained a valid PUD approval for conventional dwelling units. (COUNTY ATTORNEY)
2. All buildings, structures and living facilities **shall** be physically designed to conform to, and be compatible with, the general architectural character of the surrounding residential area. (BUILDING)

H. 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. (SWA)
2. As part of any site plan application for any **portion** of the project, the developer shall submit a solid waste stream reduction/recycling plan to be approved by the Solid Waste Authority of Palm Beach County. (SWA)

I. USE LIMITATION

1. Condition No. 5 of Resolution No. R-89-1251, **which** currently states:

Use **of** the site shall be limited to a Congregate **Living** Facility for one hundred fifty-nine (159) **residents** including live-in staff.

Is hereby amended to state:

Use of the site shall be limited to a Congregate Living Facility for one hundred twenty (120) residents including live-in staff.

2. No outdoor loudspeaker system shall be permitted on **site**. (Previously Condition No. 7 of Resolution R-89-1251) (CODE ENFORCEMENT)

G. SIGNS

1. Condition No. 6, of Resolution No. R-89-1251, **which** currently states:

Off premise signs shall not be permitted on site.

Is hereby deleted. [Reason ULDC requirement]

2. Point of purchase signs fronting on Haverhill Road shall be limited as follows:
 - a. Maximum sign height, measured from finished **grade** - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1). (Building)

H. HEALTH

1. Condition No. 10 of Resolution R-89-1251, which **currently** states:

Sewer **service** is available to the property. **Therefore, no septic tank shall be permitted on 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. 11 of Resolution R-89-1251, 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)

I. CONCURRENCY

1. This petition has a valid Concurrency Extension Case **#0605001X1**. This approval is for 159 beds and 9,730 square feet of ancillary facilities. The Extension is valid subject to the status of the Development Ordtr. A revision, prior to site plan approval, to the Extension to reflect the reduction in Congregate Living Facility beds from 159 to 120 is required. (ZONING)

J. COMPLIANCE

1. Condition No. 16 of Resolution No. R-89-1251, 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 amended to state:

Failure to comply with any of these 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; cease and desist 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 the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
- 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;
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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 Conditional Use, 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. (MONITORING)