

RESOLUTION NO. R-95-1014

RESOLUTION APPROVING ZONING PETITION **PDD85-169 (A)**
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF MARTIN COYNE, INC.

26-116 42

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 **PDD85-169 (A)** was presented to the Board **of** County Commissioners at a public hearing conducted on July 27, 1995; 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) 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) 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) 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) 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 **PDD85-169(A)**, the petition of Martin Coyne, Inc., for an Official Zoning Map Amendment from the Agricultural Residential (AR) to the Residential Planned Unit Development (PUD) Zoning District, including: a Congregate Living Facility Type 3 (requested use), 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 July 27, 1995, 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 McCarty and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of July, 1995.

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

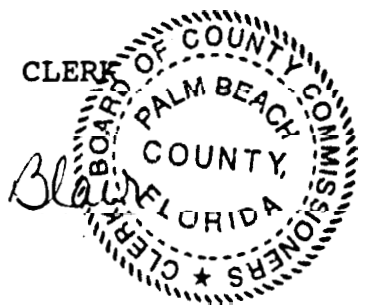


EXHIBIT A
LEGAL DESCRIPTION



PARCEL I:

DESCRIPTION

East 1/2 of Northwest 1/4 of Northeast 1/4 of Northwest 1/4, all of Section 26, Township 46 South, Range 42 East, Palm Beach County, Florida, approximately 5 acres more or less.

Together with a non-exclusive easement for ingress and egress across the following described property, to wit:

The North 80 feet of the East 1/2 of Northeast 1/4 of Northwest 1/4 of Section 26, Township 46 South, Range 42 East, Palm Beach County, Florida, approximately 5 acres more or less.

PARCEL II:

West 1/2 of 1/4 NE 1/4 of NE 1/4 of NW 1/4, all of section 26, Township 46 South, Range 42 East, Palm Beach County, Florida, together with non-exclusive easement reserved in Warranty Deed to H.G. Knott and Betty Knott, his wife, dated February 18, 1972 and recorded in O.R. Book 2007, Page 292, of the Public Records of Palm Beach County, Florida.

Subject to easements, restrictions, reservations, and rights-of-way of record.


PAUL J. FOTORNY
DAILEY-FOTORNY, INC.
PROFESSIONAL **LAND** SURVEYOR
FLORIDA REGISTRATION NO. 2297

EXHIBIT B
VICINITY SKETCH

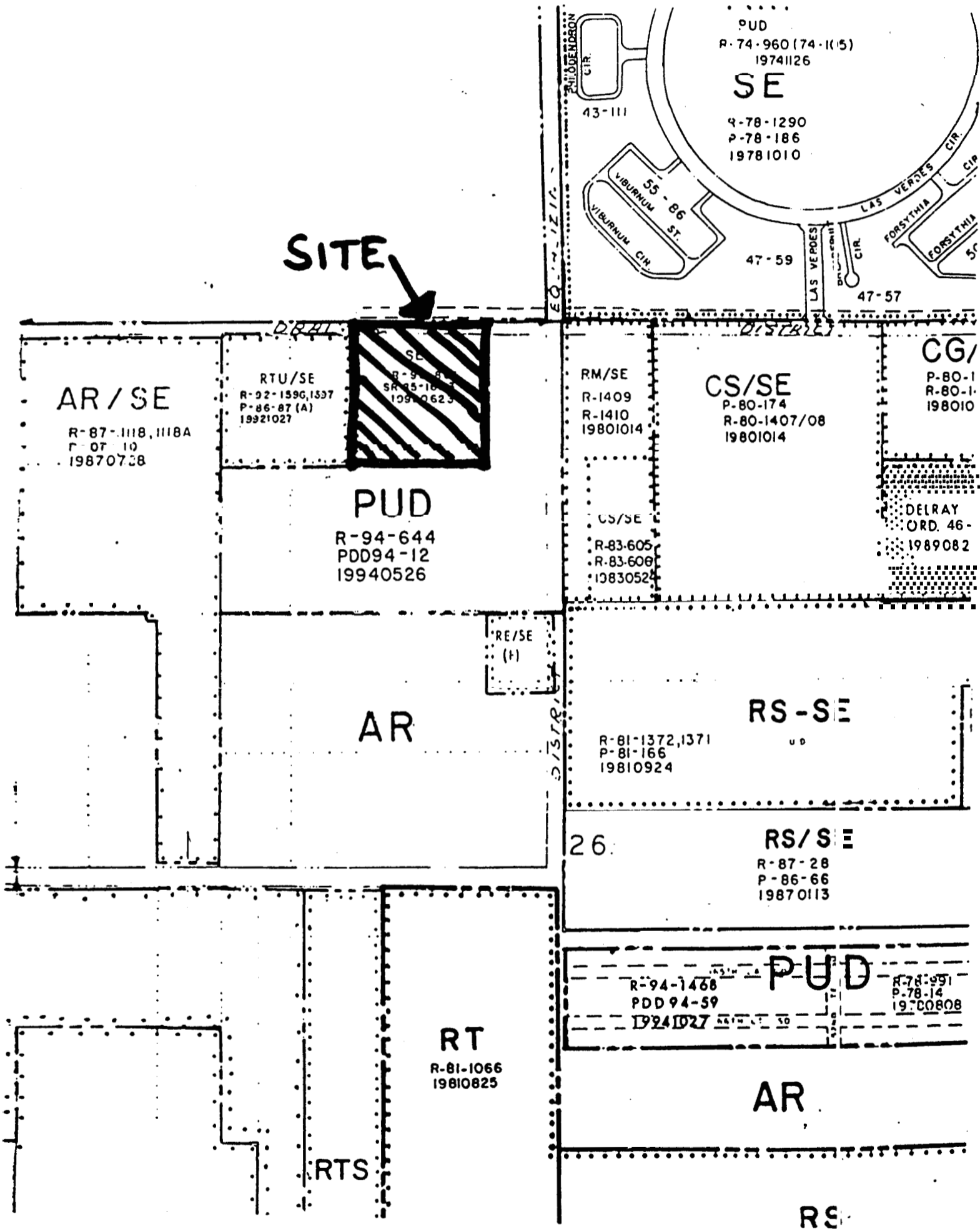


EXHIBIT C

CONDITIONS-OF APPROVAL

A. GENERAL

1. Resolution R-86-489 (Zoning Petition 85-169) is hereby revoked. (ZONING)
2. Development of the site is limited to the use and site design approved by the Board of County Commissioners (Exhibit dated June 8, 1995). 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. (ZONING)
3. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (BUILDING-Zoning)

B. HEALTH

1. Architectural plans must be submitted to the Environmental Health Section of the Palm Beach County Public Health Unit prior to issuance of a Building permit. (BUILDING-Health)

C. SIGNAGE

1. Project shall be limited to one (1) double or single faced on premise identification sign no more than thirty-two (32) square feet in size for each face. (BUILDING-Zoning)
2. Petitioner shall obtain approval from Lake Worth Drainage District for location of proposed sign in LWDD L-36 Canal easement prior to final Development Review Committee certification. (ZONING)

D. LANDSCAPE

1. a. All perimeter trees shall be installed at a minimum fourteen (14) foot height planted at the equivalent of one tree per fifteen (15) linear feet of property line. Type C buffer shall be required on the east, south and west property lines. Credit may be given for existing native vegetation that is incorporated into the buffer as meeting the requirements of this landscape condition. (BUILDING-Zoning)
- b. The south property line buffer shall also include native palms arranged in groups with 16 to 24 foot staggered heights. The total number of palms required shall be the equivalent of one palm per thirty (30) linear feet of south property line. Palms in clusters of three may be substituted for up to seven trees provided the maximum spacing between clusters is eighty (80) feet. (BUILDING-Zoning)

E. ENGINEERING

1. The Property owner shall realign the existing median opening on Linton Boulevard to align with the project's proposed entrance road. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations or drainage structure alterations. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING - Engineering).
2. The property owner shall reimburse Palm Beach County the sum of **\$93,800.00** plus interest at the rate of six (6) percent per year payable from June 22, 1992 for funds previously paid for Linton Boulevard road right of way. These funds shall not be credited towards Palm Beach County Traffic Fair Share Fee. (MONITORING-Engineering)
3. 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, Zoning Petition Number 85-169(A), to be paid at the time of issuance of the Building Permit presently is **\$23,375.00** (425 trips X \$55.00 per trip). (IMPACT FEE COORDINATOR)
4. LANDSCAPE WITHIN MEDIAN
 - 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 landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscape material, installation, and maintenance requirements shall be subject to the standards 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. (BUILDING - Engineering)
 - b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successor(s), 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, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (BUILDING - Engineering)
 - c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (BUILDING - County Attorney)

F. USE LIMITATION

1. To ensure use of the subject property is consistent with the intent of this and previous approvals, use of the site shall be limited to a Type 3 Congregate Living Center. (BUILDING/ZONING)
2. The CLF-3 shall be limited to a maximum of 163,300 square feet and 196 beds. No-administrative deviations to this condition shall be permitted, (BUILDING/ZONING/HEALTH)
3. All structures on site shall not exceed a maximum of three (3) stories in height. (BUILDING-Zoning)

G. COMPLIANCE

1. 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; 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 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.

In addition, 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 conditions 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)