

RESOLUTION NO. R-96-812

RESOLUTION APPROVING ZONING PETITION DOA80-153(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF DASCO COMPANY
BY KIEREN KILDAY, AGENT
ABERDEEN PUD

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

WHEREAS, Zoning Petition DOA80-153(C) was presented to the Board of County Commissioners at a public hearing conducted on May 23, 1996; 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 Unified 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 the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 the standards imposed on it by applicable provisions of the Palm Beach County Unified 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 determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified 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 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 DOA80-153(C), the petition of Dasco Company, by Kieren Kilday, agent, for a Development Order Amendment (DOA) to add units (+70) and to allow a requested use for a Congregate Living Facility, Type III (167 beds), on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on May 23, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

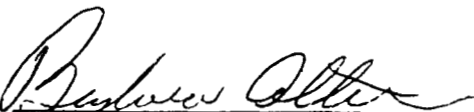
The Chair thereupon declared that the resolution was duly passed and adopted on June 24, 1996.

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

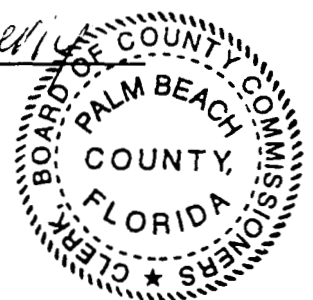


EXHIBIT A
LEGAL DESCRIPTION

Aberdeen PUD
Petition 80-153

Development Order Amendment

Legal Description

Parcel B of Aberdeen, Plat No. 20, as recorded in Plat **Book** 73, Page 1 and 2, Public Records of Palm Beach County, Florida, consisting of **25.77** acres.

EXHIBIT B
VICINITY SKETCH

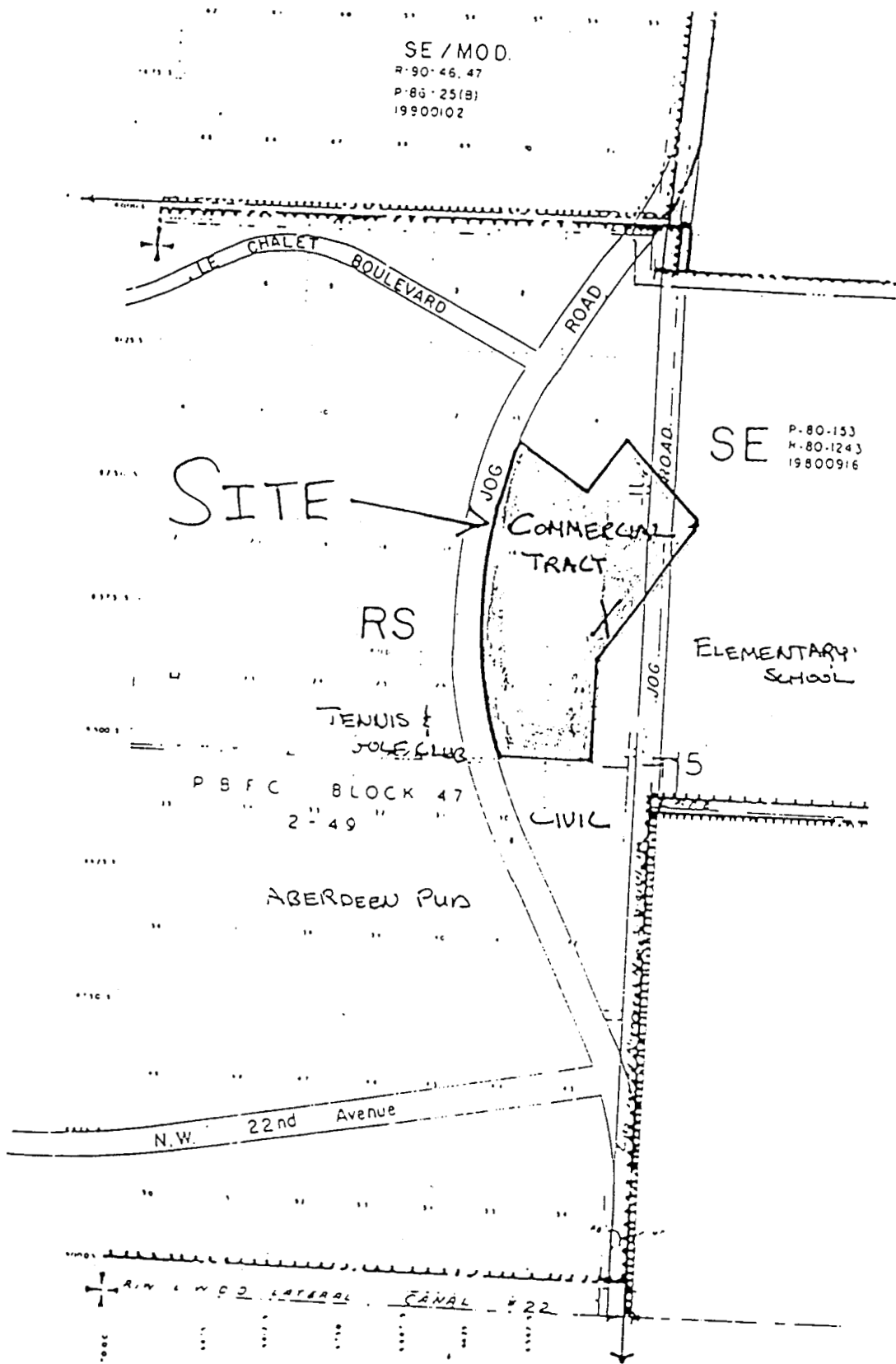


EXHIBIT C

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 Resolutions R-73-811 (Petition 80-153), R-80-1243 (Petition 80-153 **(A)**), and R-95-1464, (Petition 80-153 (B) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval unless expressly modified. (ONGOING: MONITORING - Zoning)
2. **Solid waste disposal service to be provided by the franchisee for the area;** (Previously Condition No. A, 2 of Resolution No. R-95-1464, Petition **DOA80-153(B)**). (SWA)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **A wellfield Affidavit of Notification must be submitted to the Department of Environmental Resources Management prior to site plan certification.** (Previously Condition B.1 of Resolution No. R-95-1464, Petition **DOA80-153(B)** (ERM))

C. HEALTH

1. **The developer will take reasonable precautions during the development of this project to insure that fugitive particulate (dust particles) from the project do not become a nuisance to neighboring properties.** (Previously Condition No. C.1. of Resolution No. R-95-1464, Petition **DOA80-153(B)**). (HEALTH)

D. PROPERTY AND REAL ESTATE MANAGEMENT

1. **The conveyance of the 30 acre school site without reverters and with title insurance shall be conveyed to the School Board of Palm Beach County at the time of the filing of the first plat.** (Previously Condition No. D.1. of Resolution No. R-95-1464, Petition **DOA80-153(B)**). (PREM/SCHOOL BOARD)
2. **The water and sewerage facilities shall be developed and constructed by the developer at his expense and deeded to Palm Beach County for one (1) dollar, for ownership, operation and maintenance;** (Previously Condition No. D.2. of Resolution No. R-95-1464, Petition **DOA80-153(B)**). (PREM)

E. ENGINEERING

1. **Improvement of the intersection of Military Trail and the entrance of the project shall be provided at the developer's expense.** (Previously Condition No. E.1. of Resolution No. R-95-1464, Petition **DOA80-153(B)**). (ENGINEERING)

(Note: Entrance onto Military Trail has been constructed & all improvements are complete, therefore, condition has been satisfied]

2. The extension of Jog Road from the south property line to its present terminus shall be provided at the developer's expense. (Previously Condition No. E.2. of Resolution No. R-95-1464, Petition DOA80-153(B). (ENGINEERING) [Note: Jog Road construction has been completed]
3. Eaverhill Road shall not proceed through the development to the south property line. (Previously Condition No. E.3. of Resolution No. R-95-1464, Petition DOA80-153(B). (ENGINEERING)
4. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach county:
 - a. One hundred twenty (120) feet for the ultimate right-of-way for Jog Road through the project's limits. [Note: Database indicates compliance with this condition]
 - b. Eighty (80) feet for ultimate right-of-way for Hagen Road through the project's limits. [Note: Database indicates compliance with condition]
 - c. One hundred eight (108) feet for the project's east property line to Eagen Ranch Road. (Previously Condition No. E.3. of Resolution No. R-95-1464, Petition DOA80-153(B). (ENGINEERING) [Note: Database indicates compliance with this condition]
5. Petitioner shall signalize the intersection of Le Chalet Boulevard and Military Trail Prior to the issuance of the 640th building permit or when warranted by the county Engineer. (Previously Condition No. E.5. of Resolution No. R-95-1464, Petition DOA80-153(B). (ENGINEERING)

[Note: Signalization complete]
6. Petitioner shall construct:
 - a. Two (2) lanes on Jog Road from the existing southern terminus south of Hypoluxo Road to the northern limit of construction by Tartan Lakes PUD. This portion of Jog Road must be constructed during Phase II of this project or prior to the issuance of 1,040 building permit(s). If a contiguous project is approved to the north of this project that requires Jog Road for access prior to the completion of Phase II, this project would be relieved of this obligation. [Note: Jog Road construction complete]
 - b. Hagen Ranch Road within the project's limits. [Note: Hagen Ranch Road construction complete]
 - c. NW 22 Avenue from the project's east property line to Hagen Ranch Road. (Previously Condition No. E.6. of Resolution No. R-95-1464, Petition DOA80-153(B). (ENGINEERING)
7. Petitioner shall construct at the intersection of Le Chalet Boulevard and Jog Road:
 - a. Left turn lane, north approach
 - b. Right turn lane, north approach
 - c. Left turn lane, south approach
 - d. Right turn lane, south approach
 - e. Left turn lane, east approach
 - f. Right turn lane, east approach

- g. Left turn lane, west approach
 - b. Right turn lane, west approach
 - i. signalization when warranted, as determined by the County Engineer. (Previously condition No. E.7. of Resolution No. R-95-1464, Petition DOA80-153(B). (ENGINEERING) [Note: a, b, c, d, e, f, g & i are complete; h is not complete]
8. Petitioner shall construct at the intersection of Le Chalet Boulevard and Hagen Ranch Road:
- a. Left turn lane, south approach
 - b. Left turn lane, east approach
 - c. Left turn lane, west approach. (Previously Condition No. E.8. of Resolution No. R-95-1464, Petition DOA80-153(B). (ENGINEERING)
- [Note: All turn lanes complete]
9. Petitioner shall construct at the intersection of NW 22 Avenue and Jog Road:
- a. Left turn lane, north approach
 - b. Left turn lane, south approach
 - c. Left turn lane, west approach. (Previously Condition No. E.9. of Resolution No. R-95-1464, Petition DOA80-153(B). (ENGINEERING)
- [Note: a & b completed]
10. Petitioner shall construct at the intersection of NW 22 Avenue and Hagen Ranch Road:
- a. Left turn lane, north approach
 - b. Left turn lane, south approach
 - c. Right turn lane, south approach
 - d. Left turn lane, east approach
 - e. Left turn lane, west approach
 - f. Right turn lane, east approach. (Previously Condition No. E.10. of Resolution No. R-95-1464, Petition DOA80-153(B). (ENGINEERING)
- [Note: a, b, c & e are completed]
11. Petitioner shall construct access to the City of Boynton Beach property to the north of this project. This access to be acceptable to the County Engineer. (Previously Condition No. E.11. of Resolution No. R-95-1464, Petition DOA80-153(B). (ENGINEERING) [Note: Access road completed]
12. Petitioner shall contribute One Million Three Hundred Thousand Dollars (\$1,300,000) toward the cost of meeting this project's direct and identifiable traffic impact. This contribution will be applied directly toward the four laning of Military Trail and the intersection improvements at Hypoluxo Road and Military Trail, Hypoluxo Road and Jog Road, Boynton West Road and Military Trail and the Construction of the access road to the City of Boynton Beach property. The balance of \$1,300,000 is to be paid no later than four years after the of Special Exception approval. (Previously Condition No. E.12. of Resolution No. R-95-1464, Petition DOA80-153(B). (ENGINEERING) [Note: Impact Fee has been Paid]
13. Petitioner shall furnish the construction plans as part of the \$1.3 million Fair Share contribution for Military Rail as a 4 lane median divided road from the intersection of Hypoluxo Road to the intersection with Boynton West Road to be approved by the County Engineer. (Previously Condition No. E.13. of Resolution No. R-95-

1464, Petition DOA80-153(B). (ENGINEERING) (Note: Military Trail construction completed]

14. The Lake Worth Drainage District will require the following rights-of-way, as shown on the Lake Worth Drainage District Right-of-way Maps recorded in the office of the clerk of the circuit Court in and for Palm Beach county, Florida:

L-20 from E-2E to E-3 - Sheets 66 and 67 of 240;
L-21 from E-2E to E-3 - Sheets 69 and 70 of 240;
L-22 from E-2B to Jog Road - Sheets 72 and 73 of 240;
E-2E from L-20 to L-22 - Sheet 209 of 240;
E-3 from L-20 to L-21 - Sheet 222 of 240. (Previously Condition No. E.14. of Resolution No. R-95-1464, Petition DOA80-153(B). (ENGINEERING)

15. The Property owner shall construct a left turn lane north approach on Jog Road at each of the project's entrance roads. The 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 not limited to, utility relocations and acquisition of any additional required right-of-way. 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. (Previously Condition No. E.15. of Resolution No. R-95-1464, Petition DOA80-153(B) (BUILDING - Engineering).

16. Prior to site plan approval by the Development Review Committee for Pod M or the recreation vehicle/boat storage site, the petitioner shall grant to Palm Beach County a ten (10) foot wide utility easement along the north right-of-way line of Hagen Ranch Road to the east property line of the private civic site (RV storage site). (Previously Condition No. E.16. of Resolution No. R-95-1464, Petition DOA80-153(B) (UTILITIES)

17. 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:

- a. \$18,645 for the proposed Church/Synagogue (338 trips X \$55.00 per trip);
- b. \$62,425 for the proposed Community Center (1135 trips X \$55.00 per trip); and,
- c. \$49,500 for the proposed private school (900 trips X \$55.00 per trip). (Previously Condition No. E.17. of Resolution No. R-95-1464, Petition DOA80-153(B) (IMPACT FEE COORDINATOR)

18. Prior to technical compliance for POD X, POD K, and POD L the property owner shall convey a roadway construction easement to Palm Beach County for the POD's listed above. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (Previously Condition No. E.18. of Resolution No. R-95-1464, Petition DOA80-153(B). (ENG)

19. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. Building Permits for more than 146 single family dwelling units for POD M shall not be issued until construction has begun for Jog Road as a 6 Lane median divided section from Boynton Beach Boulevard to Hypoluxo Road plus the appropriate paved tapers. (Previously Condition No. E.19. of Resolution No. R-95-1464, Petition DOA80-153(B) (BUILDING - Engineering)

The mix of allowable uses listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (Previously Condition No. E.19 of Resolution No. R-95-1464, Petition DOA80-153(B) (BUILDING - Engineering)

F. **REQUESTED USES WITHIN CIVIC SITE EXCLUDING EXISTING SYNAGOGUE**
(N.B. CORNER OF JOG ROAD AND N.W. 22nd AVENUE)

1. SITE DESIGN

- a. The minimum setback for all \ structures adjacent to all property lines shall be fifty (50) feet.
- b. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty five (35) feet except as permitted by section 6.5.B.4 (exceptions to height regulation)
- c. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the building. (Previously Condition F.1 of Resolution No. R-95-1464, Petition DOA80-153(B) (BUILDING-Zoning)

2. LIGHTING

- a. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (Previously Condition No. F.2.a of Resolution No. R-95-1464, Petition DOA80-153(B) (BUILDING/CODE ENFORCEMENT)
- b. All outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (Previously Condition No. F.2.b. of Resolution No. R-95-1464, Petition DOA80-153(B) (BUILDING)
- c. All outdoor lighting shall be extinguished no later than 11:00 p.m. security lighting only is excluded from this requirement. (Previously Condition No. F.2.c of Resolution No. R-95-1464, Petition DOA80-153(B) (CODE ENFORCEMENT)

3. USE LIMITATION

- a. Use of the site shall be limited to permitted civic uses including customary accessory uses, as allowed pursuant to the ULDC, as amended, including the following requested uses:

- 1) Private Elementary School; and,
- 2) Assembly, Non Profit. (Previously Condition

4. **BUFFERING**

- a. A twenty five (25) foot wide type C compatibility buffer shall be installed pursuant to Section 6.8.A.23 (Design Objectives) along the eastern property line of the civic site. (existing synagogue approval is exempt from this requirement). (Previously Condition No. F.4. of Resolution No. R-95-1464, Petition DOA80-153(B) (ZONING/BUILDING))

5. **RECYCLE SOLID WASTE**

- a. All property owners and lessee's 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)
- b. Prior to the certification of a Final Site Plan for any portion of the civic tract by the Development Review committee, the petitioner shall indicate the location of all recycling facilities on the site plan any such facility shall be screened pursuant to Section 6.6.A.5.c of the ULDC. (Previously Condition No. F.5. of Resolution No. R-95-1464, Petition DOA80-153(B)). (SWA)

G. **REQUESTED USE CONGREGATE LIVING FACILITY WITHIN THE COMMERCIAL POD (S.E. CORNER OF LE CHALET BOULEVARD AND JOG ROAD).**

1. **USE LIMITATION**

- a. The CLF shall be limited to maximum of 160,000 square feet and 167 Type III CLF beds one (1) bedroom units. Gross floor area may be increased an additional 5% up to 1000 square feet, whichever is less, subject to Development Review Committee (DRC) approval. (DRC: BUILDING / HEALTH - Zoning)
- b. The CLF shall be limited to a residential facility for the elderly (55 years of age or older) and shall not in any manner be used as a drug or alcohol treatment center, or any criminal justice rehabilitative services. (ONGOING: CODE ENF)
- c. Signage for the CLF shall be limited to one (1) on premise identification sign with a maximum sign face area per side of thirty-two (32) square feet. (BLDG PERMIT: BLDG - Zoning)
- d. The CLF shall be located adjacent to the eastern perimeter of the commercial pod adjacent to the school site and shall be a minimum of 400 feet south of Le Chalet Boulevard. (DRC: ZONING / Bldg)
- e. The maximum height for all structures, measured from finished grade to highest point, shall not exceed fifty (50) feet except as permitted by Section 6.5.H.4 (exceptions to height regulation) (BLDG PERMIT: BLDG - Zoning)

H. **LIGHTING - COMMERCIAL POD ONLY**

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG /

CODE ENF - Zoning)

2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grad; to highest point. (CO: BLDG - Zoningj

I. UTILITIES

1. The petitioner shall provide the county with a release or modification to the reverter which it holds on the existing utility site in a form acceptable to the County Attorney prior to final DRC approval of Pod M. (Previously Condition No.H.1. of Resolution No. R-95-1464, Petition DOA80-153(B) (UTILITIES-Zoning)

3. LANDSCAPING - COMMERCIAL POD

1. All trees required to be planted on site by this approval, except on individual residential lots, 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. (CO: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed adjacent to Le Chalet Boulevard and Jog Road in addition to the required right-of-way buffers;
 - a. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)
3. A seventy-five (75) foot vegetative buffer shall be provided on the east side of the east easement line of the drainage canal separating the commercial property and the school site property. (Previously Condition No.A.3. of Resolution No. R-95-1464, Petition DOA80-153(B). (ZONING)

K. MASS TRANSIT - COMMERCIAL POD

1. Prior to final certification of the subdivision plan by the Development Review Committee, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRC: ZONING - School Board / Eng / Planning)

2. The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts. This condition shall

L. **COMMERCIAL POD - SIGNS**

1. Point of purchase and/or freestanding signs fronting on Jog Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 140 square feet;
 - c. Maximum number of signs - two (2); and
 - d. Style - monument style only. (CO: BLDG)
2. Point of purchase and/or freestanding signs fronting on Le Chalet Boulevard shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 140 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
3. Outparcel identification signs shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 120 square feet;
 - c. Maximum number of signs - one (1) per outparcel; and
 - d. Style - monument style only. (CO: BLDG)
4. The Congregate Living Facility shall meet the signage standards pursuant to the ULDC. (DRC: CO: BLDG)

M. **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.

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. (Previously Condition No. G.1. of Resolution No. R-95-1464 Petition DOA80-153 (B)). (MONITORING)