

RESOLUTION NO. R-96- 1363

RESOLUTION APPROVING ZONING PETITION DOA86-128(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF HERITAGE PARK OF WEST DELRAY
BY RUSSELL SCOTT, AGENT
(HERITAGE PARK 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 DOA86-128(A) was presented to the Board of County Commissioners at a public hearing conducted on September 26, 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 DOA86-128(A), the petition of Heritage Park of West Delray, by Russell Scott, agent, for a Development Order Amendment (DOA) to add beds (+60) and allow a daycare, general (40 adults or children) (requested use), 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 September 26, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty 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	--	Aye
Xaude 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 on September 26, 1996.

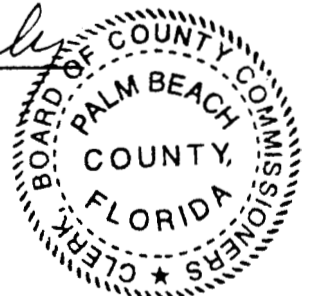
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Richard Altier*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK



LEGAL DESCRIPTION

FOR

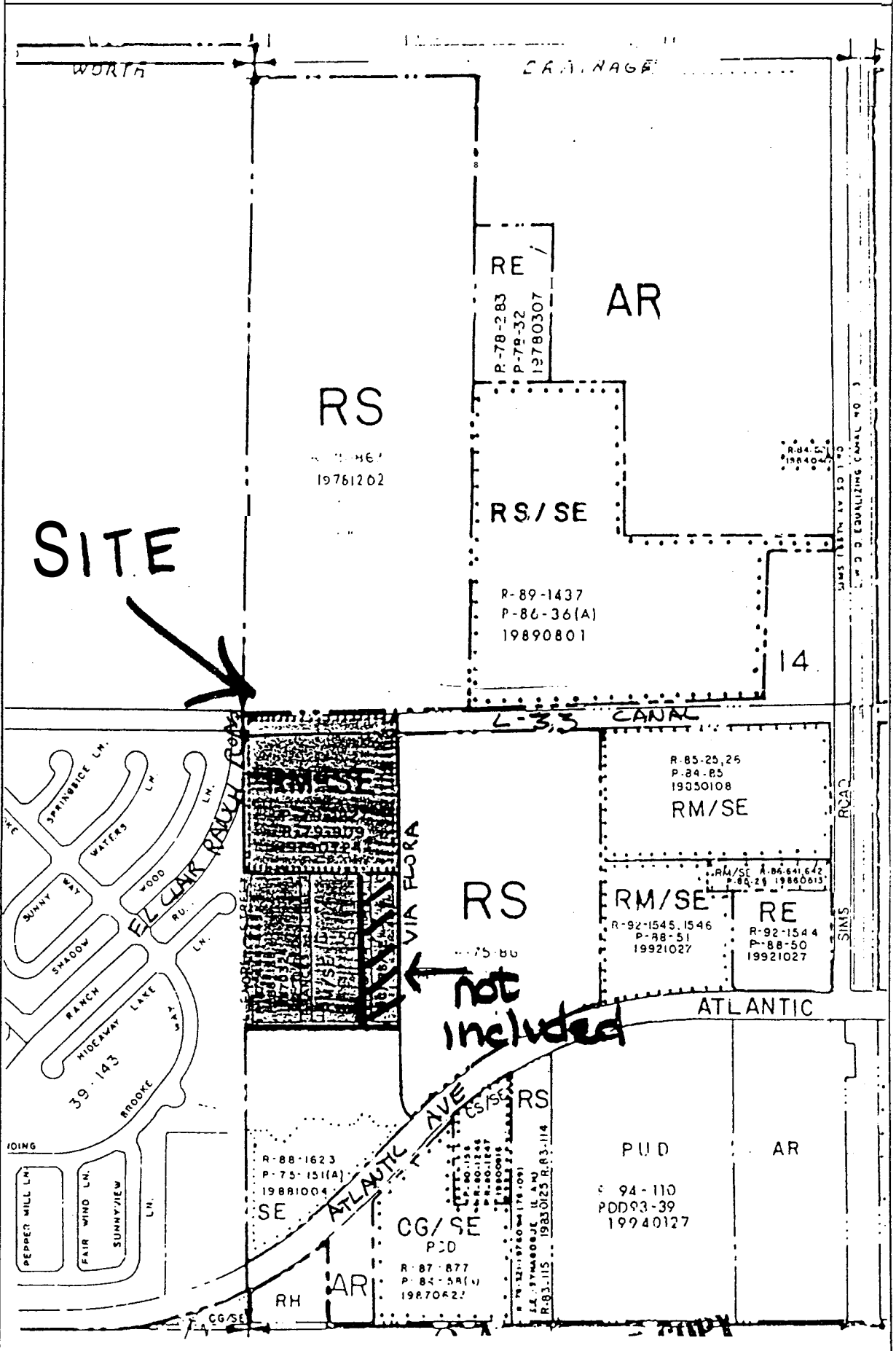
HERITAGE PARK

PARCEL ONE, PARCEL TWO, PARCEL THREE, TRACT A, AND TRACTS L,
HERITAGE **PARK** OF WEST DELRAY, ACCORDING TO THE PLAT THEREOF
RECORDED IN PLAT BOOK 58, PAGE 43 PUBLIC RECORDS, PALM BEACH
COUNTY, FLORIDA.

CONTAINING: **17.32** ACRES, MORE OR LESS.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



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 Date: 8-8-90



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.

A. **ALL PETITIONS**

1. All previous conditions of approval applicable to the subject property, **as** contained in Resolution R-87-445, (Petition 86-128), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

B. **LANDSCAPING ALONG EAST PROPERTY LINE** (ABUTTING VIA FLORA)

1. Significant landscape and vegetation material within one hundred and fifty (150) feet **of** the east property line shall **be** preserved and maintained in accordance with the Vegetation Preservation and Protection Standards of the ULDC. (DRC / CO: ZONING / LANDSCAPE)

C. **LANDSCAPING - GENERAL**

1. The twenty-five (25) foot buffer **shall** include a minimum **planting and berming treatment as depicted in the section presented at the public hearing. That portion of the berm within the twenty-five (25) foot PUD buffer between El Clair Ranch Road and residences to the west shall be a minimum of six (6) feet in height planted with trees twelve (12) feet in height spaced a maximum twenty (20) feet on center.** (Previously Condition 14 of Resolution R-87-445, Petition 86-128). (DRC: LANDSCAPE - Zoning)
2. The service area shall be screened from view **of all residences. The service area for the three (3) story building shall be continuously maintained and kept free from trash.** (Previously Condition 17 of Resolution R-87-445, Petition 86-128). (ONGOING: ZONING - Code Enf)
3. The landscape buffer **shall** be continued **and constructed** along the east **side** of the lake between the building and **the lake as far as the southern most edge of the building.** (Previously Condition 18 of Resolution R-87-445, Petition 86-128). (DRC: ZONING - Landscape)
4. Prior to master plan certification, the master plan **shall be revised to reflect a program for the eradication of all prohibited species.** (Previously Condition 3 of Resolution R-87-445, Petition 86-128). (DRC: LANDSCAPE - Zoning)
5. Prior to master plan certification, the master plan **shall be revised to reflect the planned unit development buffer areas as natural areas. Within these areas no native vegetation shall be removed. Development within these areas shall be subject to all conditions of both the tree protection manual for builders and developer8 and the vegetation protection code.** (Previously Condition 4 of Resolution R-87-445, Petition 86-128). (DRC: LANDSCAPE - Zoning)

D. **SIGNS** New or replacement signage proposed by this petition shall meet the following standards.

1. Point of purchase and/or freestanding signs fronting on Via Flora shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - five (5) feet;
 - b. Maximum sign face area per side - 32 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)

E. **ENGINEERING**

1. The developer shall meet the stormwater retention requirements in effect at the time of the permit application for the applicable drainage district however 8t a minimum. This developer shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. 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 to the satisfaction of the County Engineer, the matter shall be submitted to the Code Enforcement Board for review and possible citation. (Previously Condition 7 of Resolution R-87-445, Petition 86-128). (ONGOING: ENG - Code Enf)
2. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of El Clair Ranch Road along the property frontage and for a maximum 400 feet distance each side of the property boundary lines along El Clair Ranch Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District 8nd South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. (Previously Condition 10 of Resolution R-87-445, Petition 86-128). (ONGOING: ENG - Code Enf)
3. The property owner shall pay a Pair Share Fee in the Mount 8nd manner required by the "Pair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Pair Share Fee for this project presently is \$53,868.00 (670 trips X \$80.40 per trip). (Previously Condition 11 of Resolution R-87-445, Petition 86-128). (IMPACT FEE COORDINATOR)
4. There shall be no access to the site from El Clair Ranch Road. (Previously Condition 19 of Resolution R-87-445, Petition 86-128). (DRC: ZONING)
5. The property owner shall convey for the ultimate right-of-way of El Clair Ranch Road, 54 feet from centerline within 90 days of the approval of the Resolution approving this project. (Previously Condition 8 of Resolution R-87-445, Petition 86-128). (DATE: MONITORING - Eng)

6. Prior to master plan certification, verification for the use of Via Flora shall be provided to the County Engineer. (Previously Condition 5 of Resolution R-87-445, Petition 86-128). (DRC: ENG)
7. The property owner shall construct a left turn lane, south approach, on Via Flora Road at the project's entrance road concurrent with the construction of the project's road onto Via Flora. (Previously Condition 9 of Resolution R-87-445, Petition 86-128). (DATE: MONITORING - Eng)

F. **SITE DESIGN**

1. Petitioner shall verify the status of the recreation area indicated on site plans for Villa Delray West as being within the boundaries of this development (Petition 75-151, Exhibit 66). (Previously Condition 1 of Resolution R-87-445, Petition 86-128). (DRC: PARKS)
2. Prior to Master Plan Certification, the petitioner shall remove the existing tennis courts located on the southeastern portion of the site from the twenty-five (25) foot buffer or obtain variance relief from the Board of Adjustment. (Previously Condition 12 of Resolution R-87-445, Petition 86-128). (DRC: ZONING)

[Variance relief granted BA86-131]
3. Prior to master plan certification, the petitioner shall amend the master plan to relocate the three (3) story building to the east so that it will be no closer than two hundred (200) feet from any residential structure on the adjoining lots. (Previously Condition 16 of Resolution R-87-445, Petition 86-128). (DRC: ZONING - Building)
4. The maximum height of the multifamily buildings shall be three (3) stories. (Previously Condition 15 of Resolution R-87-445, Petition 86-128). (BLDG PERMIT - Zoning)
5. All property included in the legal description of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for: Formation of a single "master" property owner's association, and automatic membership in the "master" association by any party holding title to any portion of the property included in the PUD (Previously Condition 2 of Resolution R-87-445, Petition 86-128). (ONGOING: CO ATTORNEY - Zoning)
6. Prior to Master Plan Certification all graphics presented at the public hearing shall be submitted to the Zoning Division and included in the official file. (Previously Condition 13 of Resolution R-87-445, Petition 86-128). (DRC: ZONING)

G. USE LIMITATIONS

1. Condition 6 of Resolution R-87-445, Petition 86-128 which states:

Residents of the individual units within the PUD shall be limited to ~~age 65~~ and over.

Is hereby deleted. [REASON: Zoning Commission recommendation]

2. The day care center shall be limited to a maximum of 4,000 square feet and a maximum of 40 adults or children, excluding staff. (DRC: BUILDING / HEALTH - Zoning)
3. The nursing/convalescent assisted living facility shall be limited to a maximum of 120 residents, excluding staff. (DRC: BUILDING / HEALTH - Zoning)
4. The Congregate Living Facility (CLF) shall be limited to a maximum of 468 Type III CLF beds. (DRC: BUILDING / HEALTH - Zoning)

H. 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. (MONITORING)