

RESOLUTION NO. R-98- 1813

RESOLUTION APPROVING ZONING PETITION DOA93-21(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF OLD COLONY HOLDINGS
BY BRADLEY MILLER, AGENT
(VILLAGE CENTER (AKA FLORAL ACRES))

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 DOA93-21(A) was presented to the Board of County Commissioners at a public hearing conducted on October 22, 1998; 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 DOA93-21(A), the petition of Old Colony Holdings, by Bradley Miller, agent, for a Development Order Amendment (DOA) to Add Congregate Living Facility (CLF) Type 3 and Medical Clinic (requested uses) 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 October 22, 1998, 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 Foster and, upon being put to a vote, the vote was as follows:

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

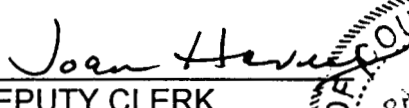
The Chair thereupon declared that the resolution was duly passed and adopted on October 22, 1998.

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

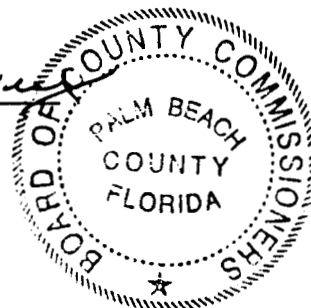


EXHIBIT A
LEGAL DESCRIPTION

The northwest quarter (NW 1/4) of the southwest quarter (SW 1/4) of the northeast quarter (NE 1/4) of Section 22, Township 46 South, Range 42 East, Palm Beach County, Florida, less the west 60 feet thereof.

EXHIBIT B
VICINITY SKETCH

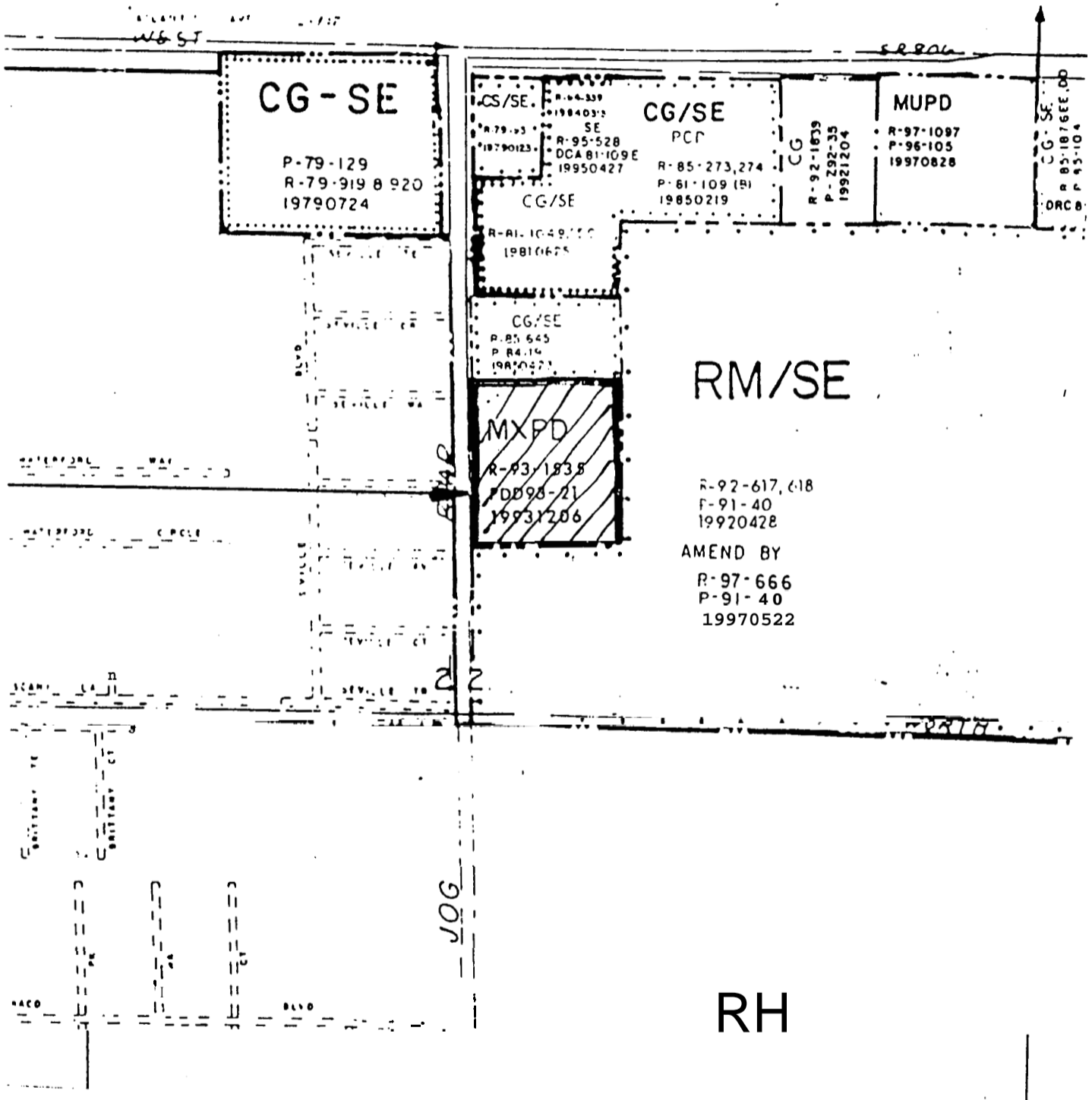


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan dated (July 21, 1998). 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. (DRC: ZONING)
2. Resolution R 93-1535, granting approval of Petition 93-21 is hereby revoked. (MONITORING)

B. ACCESS

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record a vehicular cross access agreement from the subject property to the north in a form acceptable to the County Attorney. (DRC: ZONING - Co Att)

C. ARCHITECTURAL CONTROL

1. All proposed buildings for the MUPD shall have similar architectural character and treatment, including but not limited to color, materials, fenestration and roof lines, on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (BLDG PERMIT: BLDG - Zoning)
3. All proposed buildings for the MUPD shall be designed and constructed to be consistent with the facade elevations drawn by Dalton, Moran and Robinson shown at the October 1, 1998 public hearing. (BLDG PERMIT: BLDG-Zoning)

D. CONGREGATE LIVING FACILITY

1. The CLF shall be limited to a maximum of 72,000 square feet. 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: ZONING)
2. The CLF shall be limited to *two* (2) stories with a maximum height of 35 feet including all air conditioning and mechanical equipment, measured from finished grade to highest point (BLDG PERMIT: BLDG - Zoning)
3. The CLF shall be limited to a maximum of 112 Type III CLF beds. (DRC: BUILDING / HEALTH - Zoning)

E. ENGINEERING

1. The property owner has voluntarily agreed to convey to Palm Beach County Land Development Division by road right-of-way warranty deed a 25 foot safe sight corner at Jog Road and the entrance to Floral Lakes, P.U.D. This right of way conveyance shall be prior to April 15, 1994 or prior to the issuance of the first Building Permit, whichever shall first occur. 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. (MONITORING/BUILDING - Engineering) **[COMPLETE]**

2. The Property owner shall construct:
 - a) left turn lane, west approach at this project's entrance and the entrance to Floral Lakes, P.U.D. 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 be 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.
 - b) A pedestrian pathway on the north side of the entrance to Floral Lakes PUD from the project east property line to the proposed sidewalk along Jog Road.

All construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING - Engineering)

3. The Developer shall also provide within this project's internal storm water management system an equivalent amount of stormwater runoff for the road drainage of Jog Road. The amount of runoff required to be stored on site shall be based upon the applicable County Water Control District, South Florida Water Management District and Palm Beach County Engineering Requirements. (ENGINEERING)
4. The Property owner shall fund the cost of installation of a traffic signal, flashing traffic signal, or other traffic devices (peanut) when and if warranted as determined by the County Engineer at the entrance to Floral Lakes P.U.D. and Jog Road. (ONGOING - ENGINEERING)
5. Property owner shall dedicate on the form approved by the County Engineer additional road right-of-way to provide for a right turn lane south approach on Jog Road at the project entrance road. Geometrics for this right turn lane shall be approved by the County Engineer and shall be provided on the site plan presented to the Board of County Commissioners at the October 22, 1998 Zoning meeting. Dedication shall be completed and recorded prior to the issuance of a Building Permit.
6. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate dedication of additional right-of-way to provide for a right turn lane south approach at the project entrance road. The property owner shall dedicate the right-of-way prior to issuance of a building permit on a form approved by the County Engineer. Geometrics for the right turn lane shall be approved by the County Engineer without modification to the location of the project entrance on Jog Road as shown on the site plan presented to the Board of County Commissioners at the October 22, 1998 public hearing. (BLDG PERMIT/MONITORING:Eng)

F. LANDSCAPING - INTERIOR

1. Foundation plantings or grade level planters shall be provided along all sides of the structures to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of the applicable exterior side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
2. Prior to final DRC approval the recreation areas shall be amended to indicate one canopy tree for every 500 square feet. (DRC / CO: ZONING / LANDSCAPE)
 3. All delivery and/or loading areas shall be screened from view from the east property line by a minimum eight (8) foot hedge and one canopy tree for every 15 linear feet. (DRC / CO: ZONING / LANDSCAPE)

G. LANDSCAPING ALONG THE NORTH, AND SOUTH PROPERTY LINES

1. Landscaping and buffering along the north and south property lines shall be upgraded to include:
 - a. A minimum seven and one half (7 1/2) foot wide landscape buffers' strip; and,
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center between clusters. A group of three or more palm or pine trees may be substituted for 25% of the canopy tree locations; and
 - d. 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. (CO: LANDSCAPE)
 - e. A six (6) foot vinyl coated chain link fence along the south property line 25' east of the south entry way adjacent to the water management tract and a thirty (30) inch ficus hedge meeting regulations of G.I.d above. (CO: LANDSCAPE)
2. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum seven and one half (7.5) foot wide landscape buffer strip; and
 - 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. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. One (1) canopy tree planted every twenty (20) feet on center;

- b. One (1) palm 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 or pine trees may supersede the requirement for a canopy tree in that location; and
 - 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. (CO: LANDSCAPE)
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. (CO: LANDSCAPE)

I. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING JOG ROAD)

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - c. A minimum two (2) to three and a half (3.5) foot high undulating term with an average height of three (3) feet measured from top of curb;
 - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may be substituted for 25% of the canopy tree locations; and,
 - e. Twenty four (24) inch high shrub or hedge material installed on the exterior slope of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)
- 2. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

J. LIGHTING

- 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 (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor freestanding light fixtures shall be setback 80 feet from the east and west property line and 60 feet from the south property line. (ONGOING: CODE ENF)
- 4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)
- 5. All outdoor lighting shall be extinguished no later than 10:30 p.m., excluding security lighting. (ONGOING: CODE ENF)

K. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO)]. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stop; by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

L. MUPD

1. Total gross floor area shall be limited to a maximum of 122,300 square feet as follows:

CLF III (112 beds)	72,000 Square Feet;
Retail, Financial Institution, Medical and , Professional Offices	50,300 Square Feet. (DRC: ZONING)
2. To ensure consistency with the site plan dated July 21, 1998 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING)
3. Prior to issuance of the first building permit, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (BLDG PERMIT - Zoning - Co Atty)
4. Prior to issuance of the first building permit, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (BLDG PERMIT - Zoning - Co Atty)

5. Retail business activity shall not be allowed on site, including deliveries, prior to 7:00 a.m. nor continue later than 10:30 p.m. daily. (ONGOING: CODE ENFORCEMENT - Zoning)
6. Prior to final site plan approval by the DRC, the site plan shall be amended to indicate that the following uses shall not be permitted on the site:
 - a) Adult book store;
 - b) Bar and grill;
 - c) massage parlor; or,
 - d) liquor store (fine wine or gourmet food are acceptable)
 (ONGOING: Code Enforcement)

M. PLANNING

1. Prior to final site plan approval by the DRC, the petitioner shall record an amended Declaration of Restrictive Covenants for the site to remove the Mixed Use Planned Development (MXP) District references and reflect the components of the proposed Multiple Use Planned Development (MUP) District. (DRC: PLANNING)

N. SIGNS

1. Freestanding point of purchase signs fronting on Jog Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area per side - 60 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
2. One (1) entry wall sign shall be permitted on the corner of Jog Road and Floral Lakes Boulevard. (CO: BLDG)
3. One (1) monument style directional sign shall be permitted on Floral Lakes Boulevard with a maximum height of six (6) feet and a maximum sign face area of thirty (30) square feet. (CO: BLDG)
4. Wall signs shall be permitted on the west building facades only. (CO: BLDG)

O. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of those representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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.

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 any condition 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)



**Department of Planning,
Zoning & Building**

100 Australian Avenue
West Palm Beach, FL 33406
(561) 233-5000
<http://www.co.palm-beach.fl.us>



**Palm Beach County
Board of County
Commissioners**

Burt Aaronson, Chairman

Maude Ford Lee, Vice Chair

Karen F. Marcus

Carol A. Roberts

Warren H. Newell

Mary McCarty

Ken L. Foster

County Administrator

Robert Weisman, PE

**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING**

TO: Willa Oswalt, Minutes Clerk
FROM: L. Martin Hodgkins, Zoning Director *LMH*
DATE: October 30, 1998 *by h.c.*
RE: Amended Conditions from the October 22, 1998 BCC Hearing

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on October 22, 1998.

The following petitions were amended:

EAC95-106(B)	The Grove Market
PDD98-44	Palm Beach Plaza MUPD
PDD98-23	Pratt & Orange MUPD
Z/COZ98-41	Pratt & Orange PO
PDD/DOA93-21(A)	Village Center aka Floral Acres
DOA81-109(F)	Atlantic Square
DOA89-63(B)	Sherbrooke Center

The following petition will be brought back for adoption at the December 3, 1998 BCC Hearing:

CA78-231(A)	Wash Depot VII
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