

RESOLUTION NO. R-99- 1

RESOLUTION APPROVING ZONING PETITION PDD98-072
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF THOMAS J. MCCARTY TR
BY ROBERT BASEHART, AGENT
(ARBOR OAKS PUD - CLF)

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 PDD98-072 was presented to the Board of County Commissioners at a public hearing conducted on January 7, 1999; 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) with approved conditions 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) with approved conditions 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) with approved conditions 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) with approved conditions 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 PDD98-072, the petition of Thomas J. McCarty TR by Robert Basehart, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) Rezoning from Agricultural Residential (AR) to Residential Planned Unit Development (PUD) with 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 January 7, 1999, 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 7, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

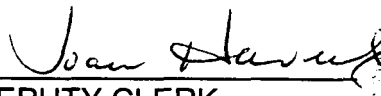
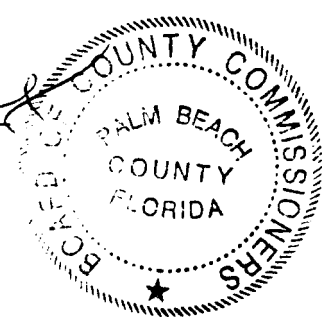
BY: 
DEPUTY CLERK 

EXHIBIT A

LEGAL DESCRIPTION

AS RECORDED IN DEED BOOK 880, PAGES 51 & 53 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY:

BEING A PORTION OF SECTION 22, TOWNSHIP 44 SOUTH, RANGE 42 EAST:

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NORTH ONE-HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 22, TOWNSHIP 44 SOUTH, RANGE 42 EAST. (CONTAINING 5 ACRES MORE OR LESS.)

TOGETHER WITH

THE NORTH THIRTY-FOUR (34) FEET OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION TWENTY-TWO (22) TOWNSHIP FORTY-FOUR (44) SOUTH, RANGE FORTY-TWO (42) EAST.

AND LESS

WEST 40 FEET OF NORTH 34 FEET OF THE S 1/2 OF SW 1/4 OF SW 1/4 OF NE 1/4 OF SECTION 22, TWP. 44 S., RGE. 42 E., AND WEST 40 FEET OF THE N 1/2 OF SW 1/4 OF SW 1/4 OF NE 1/4 OF SECTION 22, TWP. 44 S., RGE., 42 E.

AND LESS

A PARCEL OF LAND IN THE NORTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SECTION 22, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE NORTH 02°07'07" EAST ALONG THE NORTH SOUTH ONE-QUARTER SECTION LINE A DISTANCE OF 296.01 FEET; THENCE SOUTH 88°24'00" EAST ALONG A LINE 296 FEET NORTH, AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 40 FEET TO A LINE 40 FEET EAST AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH SOUTH ONE-QUARTER SECTION LINE AND THE POINT OF BEGINNING; THENCE NORTH 02°07'07" EAST ALONG SAID PARALLEL LINE A DISTANCE OF 381.89 FEET; THENCE SOUTH 88°33'02" EAST A DISTANCE OF 40 FEET TO A LINE 80 FEET EAST AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH SAID NORTH SOUTH ONE-QUARTER SECTION LINE; THENCE SOUTH 02°07'07" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 381.99 FEET; THENCE NORTH 88°24'00" WEST A DISTANCE OF 40 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

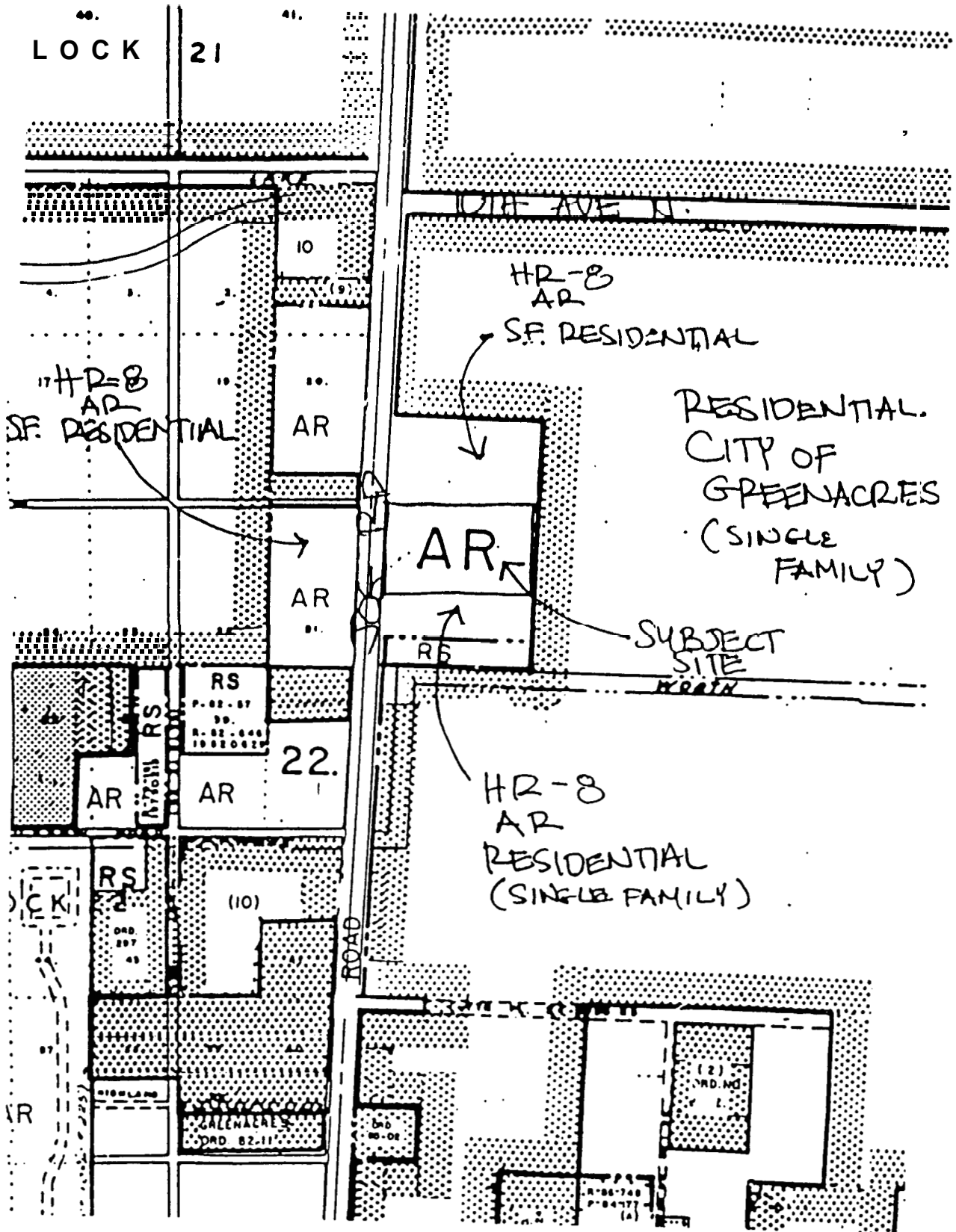


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated October 29, 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. (ONGOING: ZONING)

B. ANNEXATION

1. Prior to receipt of a building permit, the property owner shall execute an agreement for voluntary annexation into the City of Greenacres. Annexation to occur at the discretion of the City of Greenacres. (BLDG PERMIT: PLANNING)

C. ARCHITECTURAL CONTROL

1. The proposed CLF building shall be designed and constructed to be consistent with the facade elevation prepared by William Mills, AIA dated November 23, 1998. (BLDG PERMIT: BLDG - Zoning)

D. BUILDING AND SITE DESIGN

1. The proposed two story building shall be limited to a maximum height of forty-five (45) feet measured from finished grade to highest point and 56,600 square feet total gross floor area. (DRC: ZONING)
2. The minimum building setbacks from the north and south property lines shall be seventy (70) feet. (DRC: ZONING)
3. All air conditioning and mechanical equipment shall be ground mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure. (BLDG PERMIT: BLDG - Zoning)

E. ENGINEERING

1. Prior to the issuance of a Building Permit, the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)
2. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS
 - 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 the adjacent median of Jog Road right-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. 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. The property owner shall also be responsible to supplement any existing landscape material previously

planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. 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. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owner's expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, 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. (CO: MONITORING - Eng)
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORING - Eng)

F. CONGREGATE LIVING FACILITY

1. The CLF shall be limited to a maximum of ninety-seven (97) beds. (IIRC: BUILDING / HEALTH - Zoning)
2. Residents of the CLF shall be a minimum of fifty-five (55) years of age except for five (5) beds which may be designated for short term/recovery care residents. (ONGOING: CODE ENF/HEALTH)

G. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall be located on the south side of the building as designated on the site plan and setback a minimum of seventy (70) feet from the south property line. (IIRC /ONGOING: ZONING / CODE ENF)

H. LANDSCAPING - STANDARD

1. Fifty percent (50%) of the canopy 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; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG WEST PROPERTY LINE (JOG ROAD FRONTAGE):

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip with a maximum five (5) foot overlap in the existing ten (10) foot utility easement;
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters;
 - d. A minimum two (2) to three (3) foot high undulating berm, with an average height of two and a half (2 1/2) feet, measured from the top of the curb; and,
 - e. Twenty four (24) 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 thirty-six (36) inches. (CO: LANDSCAPE)

J. LANDSCAPING ALONG NORTH AND SOUTH PROPERTY LINES

1. Landscaping and buffering along the north and south property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip; and
 - b. A six (6) foot high colored vinyl coated chain link fence setback approximately twenty-five (25) feet from the Jog Road right of way. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed alternating on both sides of the fence:
 - 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 not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE)
3. Along the exterior side of the required fence, the property owner shall install 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)

.K. 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 five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be located a minimum fifty (50) feet from the north, south and west property lines. (DRC/BLDG PERMIT-Zoning)
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)

L. SIGNS

1. The on premise Identification sign on Jog Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. Maximum sign face area per sign - 32 square feet;
 - c. Maximum number of signs -one (1); and
 - d. Location - minimum ten (10) feet setback from Jog Road. (BLDG PERMIT- Zoning)

M. TREE PRESERVATION

1. The eastern one hundred and fifty (150) feet of the property shall remain undeveloped and incorporate existing significant vegetation to the maximum extent possible. (DRC/ERM - Zoning)

N. 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 these 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
 www.co.palm-beach.fl.us




**Palm Beach County
 Board of County
 Commissioners**

- Maude Ford Lee, Chair
- Warren H. Newell, Vice Chairman
- Karen T. Marcus
- Carol A. Roberts
- Mary McCarty
- Burt Aaronson
- Tony Masilotti

County Administrator
 Robert Weisman

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

TO: Willa Oswalt, Minutes Clerk
 FROM: William C. Whiteford, Acting Zoning Director 
 DATE: January 14, 1999
 RE: Amended Conditions from the January 7, 1999
 BCC Hearing

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on January 7, 1999.

The following petitions were amended:

- | | |
|--------------|-------------------------------|
| PDD98-072 | Arbor Oaks PUD - CLF |
| EAC92-017(C) | Jupiter Farms Shopping Center |
| PDD98-046 | Place of Hope |
| Z/CA98-071 | Cornerstone Church |

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 Affirmative Action Employer"

