

RESOLUTION NO. R-2004- 0715

RESOLUTION APPROVING ZONING PETITION CA2003-104
CLASS A CONDITIONAL USE
PETITION OF GRAND SLAM TWO, LLC
BY GENTILE, HOLLOWAY, O'MAHONEY & ASSOCIATES, INC., AGENT
(SUNRISE CENTER)

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 Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA2003-104 was presented to the Board of County Commissioners at a public hearing conducted on April 22, 2004; 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC.
9. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2 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 CA2003-104, the petition of Grand Slam Two, LLC, by Gentile, Holloway, O'Mahoney & Associates, Inc., agent, for a Class A Conditional Use to allow a nursing and convalescent facility in the Residential High Density Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 22, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell 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:

Karen T. Marcus, Chair	- Aye
Tony Masilotti, Vice Chairman	- Absent
Jeff Koons	- Absent
Warren H. Newell	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Addie L. Greene	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 22, 2004.

Filed with the Clerk of the Board of County Commissioners on 17 day of May, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


DEPUTY CLERK

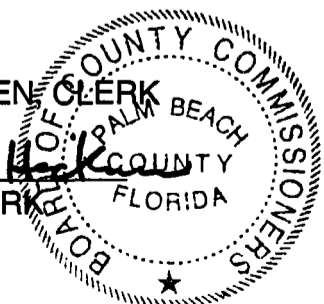


EXHIBIT A
LEGAL DESCRIPTION

BEING THE WEST 190.00 FEET OF THE EAST 220 FEET OF TRACT 27, MODEL LAND CO. SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, AS RECORDED IN PLAT BOOK 5, PAGE 79, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 250.00 FEET OF TRACT 27, AND LESS THE SOUTH 242.80 FEET OF TRACT 27.

CONTAINING: 31,240 SQUARE FEET, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT OF WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

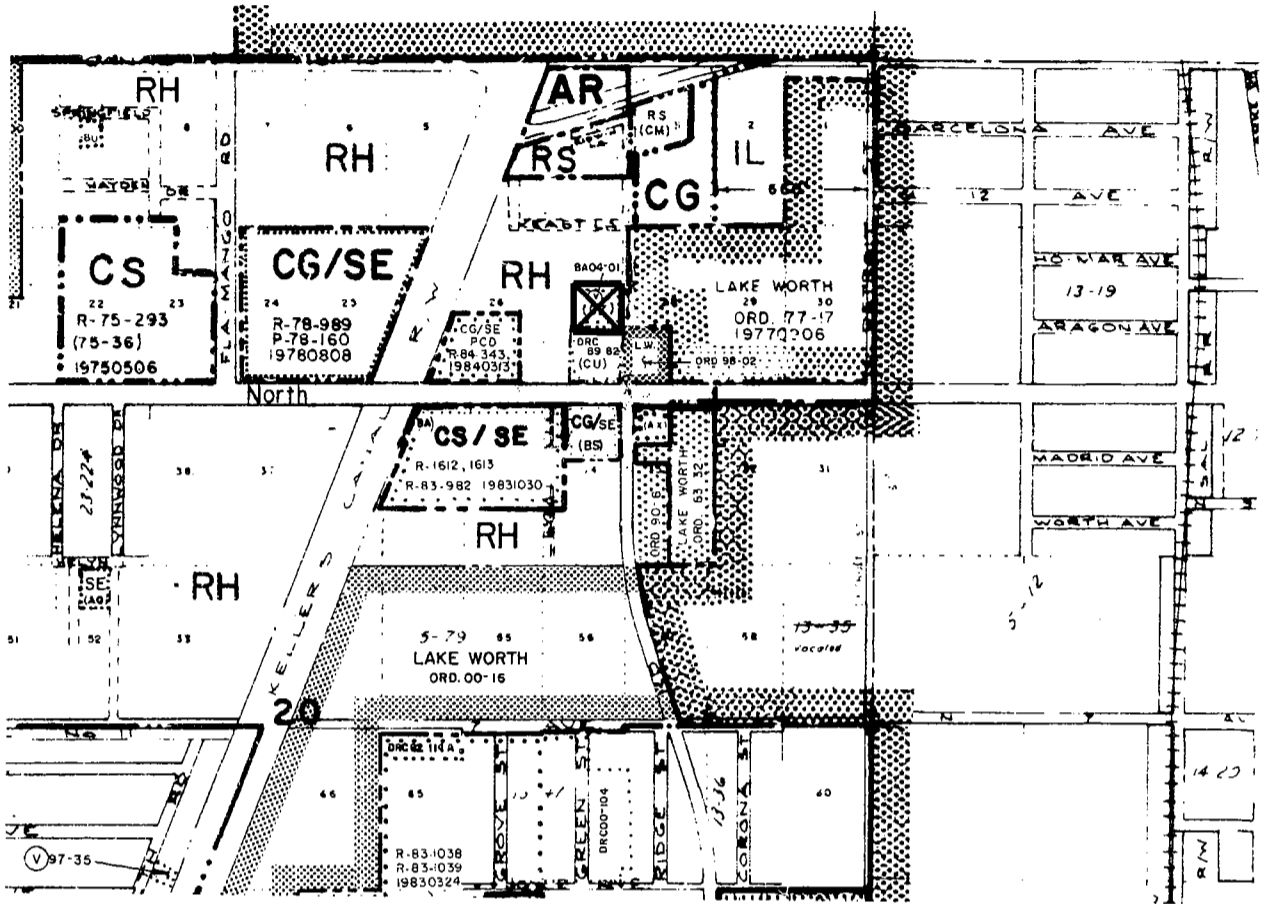


EXHIBIT C

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 February 19, 2004. 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 - Zoning)

B. BUILDING AND SITE DESIGN

1. All roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier that is harmonious and compatible with the color, character and architectural style of the principal structure or equivalent landscape material. (ONGOING: CODE ENF - Zoning)

C. LANDSCAPING - STANDARD

1. Prior to the issuance of a building permit or within six (6) months from the adoption date of the resolution approving Petition 2003-104, whichever shall first occur, the property owner shall install new and/or replace all required, dead and/or missing plant materials on the entire subject property. (BLDG PERMIT/DATE: LANDSCAPE - Zoning)
2. Fifty (50) percent of all new or replacement canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT/DATE: LANDSCAPE - Zoning)
3. All new or replacement palms required to be planted on the property 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. (BLDG PERMIT/DATE: LANDSCAPE - Zoning)
4. All new or replacement shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. forty-eight (48) to seventy-two (72) inches – large shrub; and,
 - d. this condition does not apply where a single row of shrub or hedge is required on one or both sides of a fence or wall. (BLDG PERMIT/DATE: LANDSCAPE - Zoning)
- 5. All new or replacement trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (BLDG PERMIT/DATE: LANDSCAPE - Zoning)
 - 6. A group of three (3) or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location, unless specified herein. (BLDG PERMIT/DATE: LANDSCAPE - Zoning)
 - 7. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list as suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (BLDG PERMIT/DATE: LANDSCAPE - Zoning)
 - 8. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (BLDG PERMIT/DATE: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF BOUTWELL ROAD)

- 1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. one (1) canopy tree planted for each thirty (30) linear feet of the property line;
 - c. one (1) palm or pine tree planted for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDG PERMIT/DATE: LANDSCAPE - Zoning)

E. ENGINEERING

There are no Engineering conditions.

F. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL PROPERTIES)

- 1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip;
 - b. a six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished treatment that is harmonious and compatible with abutting development;
 - c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;

- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. a continuous row of medium shrub between all canopy trees, where applicable. Shrub shall be a minimum height of twenty-four (24) inches at installation. (BLDG PERMIT/DATE: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING UNDEVELOPED PROPERTY)

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum eight (8) foot wide landscape buffer strip. The buffer may be reduced to a minimum width of five (5) feet to accommodate drive aisle alignment;
 - b. a six (6) foot high chain link fence, or a height otherwise authorized by a valid building permit;
 - c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
 - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (BLDG PERMIT/DATE: LANDSCAPE - Zoning)

H. LANDSCAPING - INTERIOR

- 1. A minimum of one (1) landscape island shall be provided for every eight (8) parking spaces. The maximum spacing between landscape islands shall not exceed seventy-five (75) linear feet. (DRO: ZONING - Zoning)
- 2. Landscaping for terminal and interior landscape islands in the parking area shall consist of the following:
 - a. one (1) canopy or flowering tree for each island; and,
 - b. a continuous row of shrub or hedge between all trees within the islands, where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (BLDG PERMIT/DATE: LANDSCAPE - Zoning)
- 3. Foundation planting or grade level planters shall be provided along the north, south and east facades of the principle structure to consist of the following:
 - a. the length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each applicable side of the structure;
 - b. the width of the required landscape areas shall be no less than two (2) feet; and,
 - c. landscape areas shall be planted with a minimum equivalent of one (1) medium or large shrub for each two (2) linear foot of building facade and appropriate ground cover. (DRO/BLDG PERMIT/DATE: ZONING/LANDSCAPE - Zoning)

I. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: CODE ENF - Zoning)
2. All new or replacement outdoor, freestanding lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. All new or replacement outdoor, freestanding lighting fixtures shall be setback a minimum distance of twenty (20) feet from the north and west property lines. (BLDG PERMIT: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than 10:00 p.m. daily excluding security lighting only. (ONGOING: CODE ENF - Zoning)
5. 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 - Zoning)

J. PLANNING

1. The property owner shall voluntarily annex into the City of Lake Worth at such time that the subject property becomes contiguous to the City of Lake Worth or is the subject of an annexation proposal by the City of Lake Worth. (ONGOING: PLANNING - Planning)

K. SIGNS

1. New or replacement freestanding signs fronting on Boutwell Road 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 - forty (40) square feet;
 - c. maximum number of signs - one (1) for the entire site;
 - d. style - monument style only;
 - e. location - within twenty-five (25) feet to the north of the site entrance measured from edge of pavement; and,
 - f. signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)
2. New or replacement wall signs shall be limited to the south and east facades of the building and individual lettering size shall be limited to eighteen (18) inches high. Wall signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)

L. USE LIMITATION

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
2. Deliveries shall not be permitted prior to 8:00 a.m. nor continue later than 9:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
3. Outdoor storage or placement of any material, refuse, equipment or debris shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
4. Outdoor speaker or public address systems shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

M. 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 Code Enforcement Special Master 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. (ONGOING: MONITORING - Zoning)