

RESOLUTION NO. R-2014- 1893

RESOLUTION APPROVING ZONING APPLICATION EAC-2014-02198  
(CONTROL NO. 1997-00075)  
an Expedited Application Consideration  
APPLICATION OF Allegro At Boynton Beach LLC  
BY Miller Permitting and Land Development LLC, AGENT  
(Allegro At Boynton Beach)

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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied;

WHEREAS, Zoning Application EAC-2014-02198 was presented to the Board of County Commissioners at a public hearing conducted on December 4, 2014;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various County review agencies, and the recommendation of the Zoning Commission;

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 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

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

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for an Expedited Application Consideration; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application EAC-2014-02198, the petition of Allegro At Boynton Beach LLC, by Miller Permitting and Land Development LLC, agent, for an Expedited Application Consideration to allow an alternative buffer for the Type III Incompatibility Buffer along the north and east property lines., 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 December 4, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	-	Aye
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Absent
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on December 4, 2014.

Filed with the Clerk of the Board of County Commissioners on December 8th, 2014.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



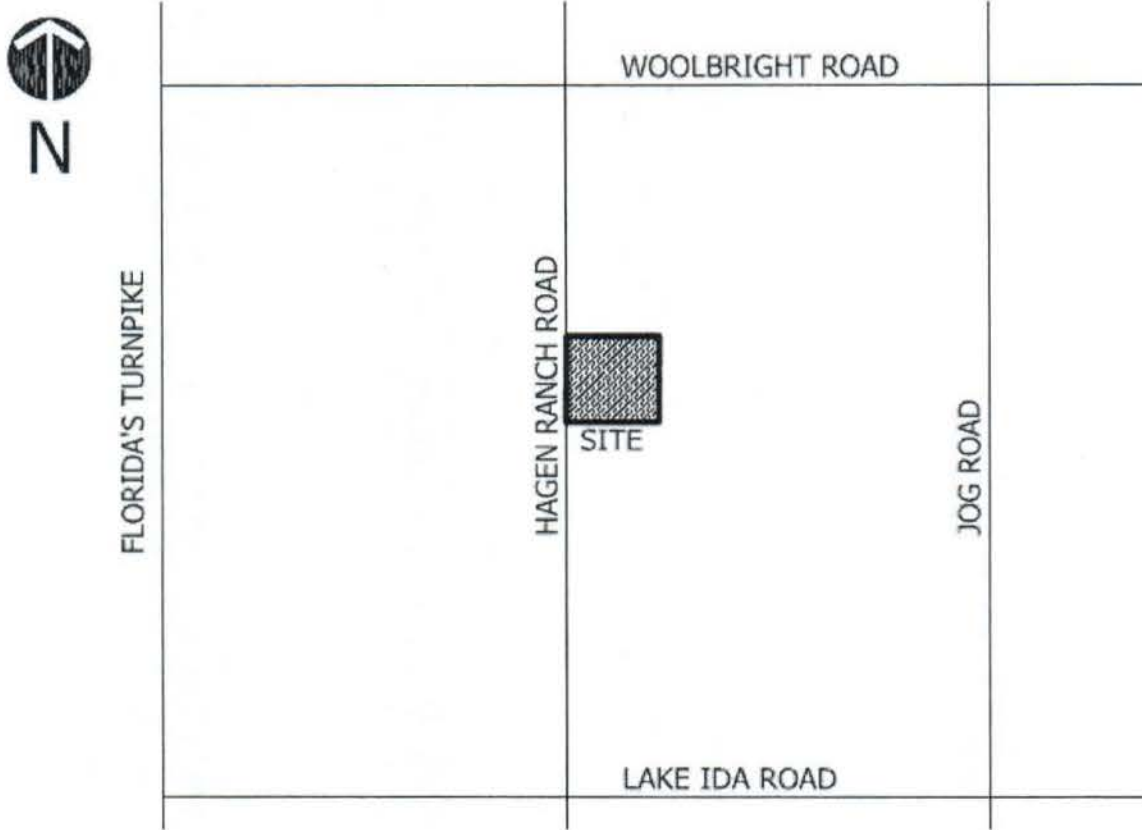
EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

ALL OF THE PLAT OF RARE SPECIES NURSERY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 84, PAGE 154 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Expedited Application Consideration**

##### **ALL PETITIONS**

1. Previous All Petitions Condition 1 of Resolution R-2012-0937, Control No. 1997-075, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-2010-0674 (Control No. 1997-075) and R-2010-0675 (Control No. 1997-075), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2012-0937 (Control No. 1997-075) have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous All Petitions Condition 2 of Resolution R-2012-0937, Control No. 1997-075, which currently states:

The approved Preliminary Site Plan is dated April 12, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning) (ONGOING: ZONING - Zoning)

Is hereby amended to read:

The approved Preliminary Site Plan is dated November 20, 2014. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

3. Prior to the installation of the north and east buffer plant material or the issuance of the Certificate of Occupancy of the Congregate Living Facility, the Property Owner shall relocate the FPL easement entirely out of the north landscape buffer. (CO: MONITORING -Zoning)

##### **ARCHITECTURAL REVIEW**

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the congregate living facility shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning) (Previous Architectural Review Condition 1 of Resolution R-2012-0937, Control No. 1997-075) (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED]

2. All building height shall be limited to thirty-five (35) feet measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (Previous Architectural Review Condition 2 of Resolution R-2012-0937, Control No. 1997-075) (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED]

## **ENGINEERING**

1. Prior to technical compliance the property owner shall convey a temporary roadway construction easement along Hagen Ranch Road to Palm Beach County. Construction by the applicant within this easement shall conform to Palm Beach County Standards and codes. The location, legal sketch; and the dedication documents shall be approved by the County Engineer prior to final acceptance. (TC: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 1 of Resolution R-2012-937, Control No.1997-00075)

2. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2016. A time extension for this condition may be approved 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. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING - Engineering) (Previous ENGINEERING condition 2 of Resolution R-2012-937, Control No.1997-00075)

3. Prior to final site plan approval by the DRO, the site plan shall be amended to include all platted tract lines or proposed changes to existing platted tracts. (DRO: ENGINEERING - Engineering) (Previous ENGINEERING condition 3 of Resolution R-2012-937, Control No.1997-00075)

## **LANDSCAPE - GENERAL**

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (BLDGPM: LANDSCAPE - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL condition 1 of Resolution R-2012-937, Control No.1997-00075)

2. A minimum of 75 percent of 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. (BLDGPM: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 2 of Resolution R-2012-937, Control No.1997-00075)

3. All 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. (BLDGPM: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 3 of Resolution R-2012-937, Control No.1997-00075)

4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPMPT: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 4 of Resolution R-2012-937, Control No.1997-00075)

5. Removal or pruning back of the tree that is located on the southeast corner of the CLF property is subject to the approval by Environmental Resources Management Department and/or the Zoning Landscape Section. (BLDG PERMIT: LANDSCAPE/ERM-Zoning)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF HAGEN RANCH ROAD)**

6. In addition to code requirements the proposed landscaping and/or buffer along the west property line fronting Hagen Ranch Road shall be upgraded to include:

- a. a minimum of twenty (20) foot wide landscape buffer;
- b. a continuous two and one half (2.5) foot high berm; and,
- c. quantity of required plant materials shall be increased by one and one half (1.5) percent above Code requirements. (BLDGPMPT: LANDSCAPE - Zoning) (Previous LANDSCAPE - PERIMETER condition 5 of Resolution R-2012-937, Control No.1997-00075)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)**

7. Landscaping along the north and east property lines shall include an alternative Type III Incompatibility buffer:

- a. a minimum of twenty (20) foot wide landscape buffer;
- b. a six (6) foot high PVC fence to be installed in the center of the landscape buffer. Fence location shall be consistent with the Preliminary Site Plan dated November 20, 2014. Gates with locks shall be permitted along the fence for maintenance access;
- c. one (1) Canopy tree for each twenty (20) lineal feet of the length of the buffer, and required quantity of trees to be planted equally on both sides of the fence; and,
- d. Shrubs requirements shall be in compliance with Article 7 of the ULDC, and the required quantity of shrubs shall be planted equally on both sides of the fence. (BLDGPMPT: LANDSCAPE - Zoning)

**PALM TRAN**

1. Prior to Plat Recordation, property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENGINEERING - Palm-Tran) (Previous PALM TRAN condition 1 of Resolution R-2012-937, Control No.1997-00075)

**PLANNING**

1. Per the Planning Condition of Small Scale Amendment SCA-2012-006; Development of the subject site shall be limited to a Congregate Living Facility (CLF). (ONGOING: PLANNING - Planning) (Previous PLANNING condition 1 of Resolution R-2012-937, Control No.1997-00075)

**SIGNS**

1. Freestanding signs fronting on Hagen Ranch 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 thirty (32) square feet;
- c. maximum number of signs - one (1); and,
- d. style - monument style only. (BLDGPMPT: BUILDING DIVISION - Zoning) (Previous SIGNS condition 1 of Resolution R-2012-937, Control No.1997-00075)

**SITE DESIGN**

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within forty (40) feet of the any property line and shall be confined to the areas designated on the site plan. (DRO/ONGOING: ZONING - Zoning) (Previous SITE DESIGN condition 1 of Resolution R-2012-937, Control No.1997-00075)

**COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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: ZONING - 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; the 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 Unified Land Development Code 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 of Approval; 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 the 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.