

RESOLUTION NO. R-2015- 0691

RESOLUTION APPROVING ZONING APPLICATION ZV/Z/CA-2014-02501  
(CONTROL NO. 2003-00104)  
a Class A Conditional Use  
APPLICATION OF Grand Slam Two LLC  
BY Gentile Glas Holloway O'Mahoney & Assoc 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 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 ZV/Z/CA-2014-02501 was presented to the Board of County Commissioners at a public hearing conducted on May 28, 2015;

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 a Class A Conditional Use ; 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 ZV/Z/CA-2014-02501, the petition of Grand Slam Two LLC, by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent, for a Class A Conditional Use to allow a Nursing or Convalescent Facility, 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 May 28, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

The motion was seconded by Commissioner Berger 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	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on May 28, 2015.

Filed with the Clerk of the Board of County Commissioners on June 1st, 2015.

This resolution shall not become effective unless or until the effective date of Comprehensive Plan Amendment No. SCA 2015-009.

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

**ATTACHMENT A - SUNRISE CENTER - LEGAL DESCRIPTION**

PARCEL 1

BEING THE SOUTH 100 FEET OF THE NORTH 250 FEET OF THE WEST 65 FEET OF THE EAST 220 FEET OF TRACT 27, M.L. CO. SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA. SUBJECT TO EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 12 FEET OF THE WEST 135 FEET OF THE EAST 155 FEET OF TRACT 27, DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF TRACT 27, M.L. CO. SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 5, PAGE 79, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, THENCE SOUTHERLY ALONG THE EAST LINE OF TRACT 27, WHICH LINE IS THE CENTER LINE OF BOUTWELL ROAD FOR A DISTANCE OF 150 FEET TO A POINT, THENCE WESTERLY ALONG A LINE PARALLEL WITH THE NORTH LINE OF TRACT 27, A DISTANCE OF 155 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE ON THE SAME COURSE A DISTANCE OF 65.0 FEET TO A POINT, THENCE SOUTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF TRACT 27, A DISTANCE OF 100 FEET TO A POINT, THENCE EASTERLY PARALLEL WITH THE NORTH LINE A DISTANCE OF 65 FEET TO A POINT, THENCE NORTHERLY PARALLEL WITH THE EAST LINE A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.  
CONTAINING 6544 SQUARE FEET MORE OR LESS.

PARCEL 2

LOT 27, MODEL LAND CO SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH RANGE 43 EAST BEING THE SOUTH 100 FEET OF THE NORTH 250 FEET OF THE EAST 155 FEET OF TRACT 27, MODEL LAND CO. SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA;

LESS THE EAST 20 FEET FOR BOUTWELL ROAD, AND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF TRACT 27, MODEL LAND CO. SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 5 AT PAGE 79, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR SAID COUNTY; THENCE SOUTHERLY ALONG THE EAST LINE OF TRACT 27, WHICH IS THE CENTERLINE OF BOUTWELL ROAD FOR A DISTANCE OF 150.00 FEET TO A POINT; THENCE WESTERLY ALONG A LINE PARALLEL WITH THE NORTH LINE OF TRACT 27, A DISTANCE OF 20 FEET TO THE POINT OF BEGINNING; CONTINUE ON THE SAME COURSE A DISTANCE OF 135.00 FEET TO A POINT ; THENCE SOUTHERLY PARALLEL WITH THE EAST LINE OF TRACT 27, A DISTANCE OF 100.00 FEET TO A POINT; THENCE EASTERLY PARALLEL WITH THE NORTH LINE OF TRACT 27, A DISTANCE OF 135.00 FEET TO A POINT; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF TRACT 27, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 12 FEET THEREOF.

PARCEL 3

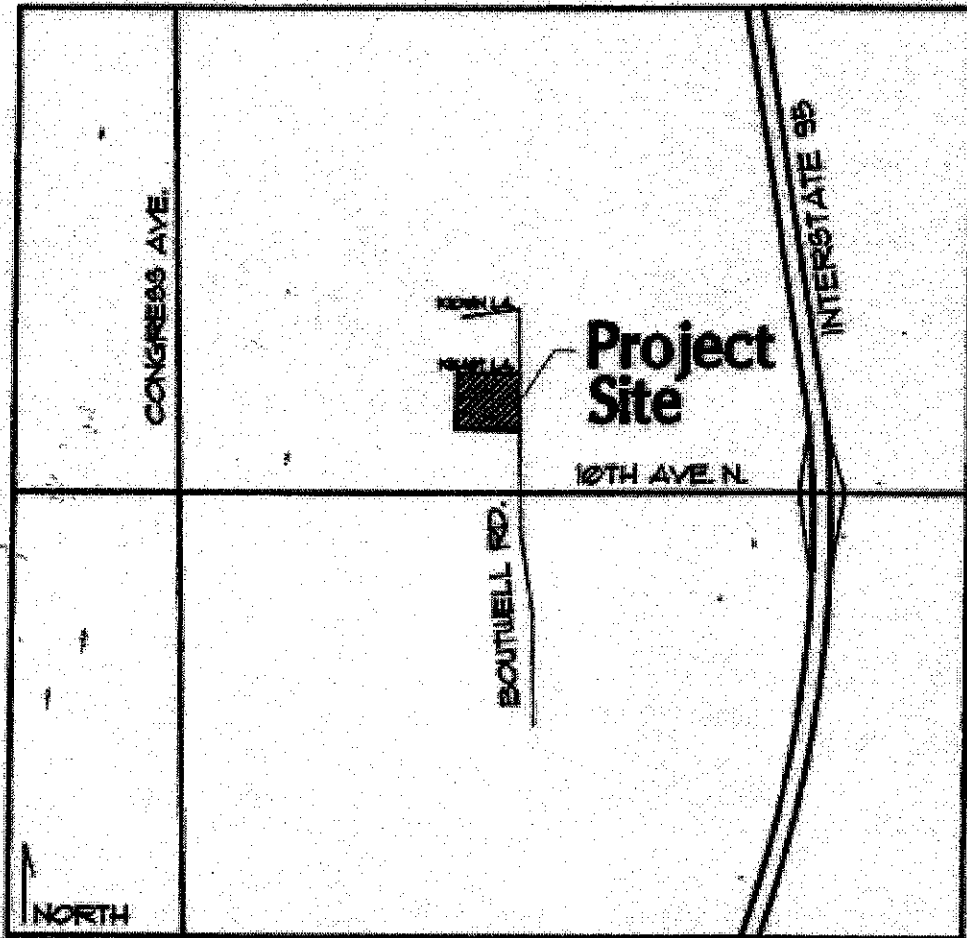
THE WEST 190.00 FEET OF THE EAST 220.00 FEET OF TRACT 27, MODEL LAND CO. SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, AS RECORDED IN PLAT BOOK 5, PAGE 79 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 250 FEET AND LESS THE SOUTH 242.80 FEET THEREOF

ALL TOGETHER CONTAINING 51,222 SQUARE FEET MORE OR LESS OR 1.18 ACRES MORE OR LESS

EXHIBIT B  
VICINITY SKETCH

LOCATION MAP

N.T.S.



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Conditional Use Class A

##### ALL PETITIONS

1. The approved Preliminary Site Plan is dated April 3, 2015. 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)

##### ARCHITECTURAL REVIEW

1. The Preliminary Architectural Elevations for the Nursing or Convalescent Facility are dated March 12, 2015. Architectural Elevations and any modifications shall comply with the Standards of Article 2.D and Article 5.C. Development shall be consistent with the Development Review Officer approved Final Site Plan, Conditions of Approval and the regulations of the Code. shall be submitted for review and approval by the Zoning Division. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (ONGOING: ZONING - Zoning)

##### ENGINEERING

1. 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, 2017. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to issuance of the first building permit, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

3. Prior to issuance of the first Certificate of Occupancy, the Property Owner shall construct a minimum five (5) foot wide concrete sidewalk along the west side of Boutwell Road from 10th Avenue N north to the north property line. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. This work shall be as approved by the County Engineer and the City of Lake Worth. (BLDGPMT/CO: MONITORING - Engineering)

##### LANDSCAPE - GENERAL

1. In addition to the Code requirement, the Property Owner shall provide 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 around the perimeter of the site. (ONGOING: LANDSCAPE - Zoning)

##### SIGNS

1. 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. (ONGOING: BUILDING DIVISION - Zoning)

##### SITE DESIGN

1. Prior to Final Approval by the Development Review Officer, the Final Site Plan shall be revised to:

- a. renumber the variances accordingly to match the numbering as indicated in the Staff Report;
- b. remove the reference to Landscape Condition D.1; and
- c. revise the square footage on the building to match the Site Data Table. (DRO: ZONING - Zoning)

#### **USE LIMITATIONS**

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 addressing systems shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
5. The use on the site shall be restricted to a Nursing or Convalescent Facility. (ONGOING: ZONING - Zoning)

#### **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.