

RESOLUTION NO. R-2015- 1541

RESOLUTION APPROVING ZONING APPLICATION PDD/W/R/TDR-2015-01036  
(CONTROL NO. 2005-00122)

a Requested Use  
APPLICATION OF Amelia Trevino  
BY Wantman Group Inc., AGENT  
(Lake Worth Senior Living)

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)(ULDC), have been satisfied;

WHEREAS, Zoning Application PDD/W/R/TDR-2015-01036 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 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 ULDC 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 ULDC 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 a Requested Use; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County ULDC 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 PDD/W/R/TDR-2015-01036, the application of Amelia Trevino, by Wantman Group Inc., Agent, for a Requested Use to allow a Type 3 Congregate Living Facility (CLF) and a Transfer of Development Rights, 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 October 22, 2015, 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 Burdick 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            | - Absent |
| Commissioner Priscilla A. Taylor         | - Aye    |

The Mayor thereupon declared that the resolution was duly passed and adopted on October 22, 2015.

Filed with the Clerk of the Board of County Commissioners on October 26th, 2015.

This resolution shall not become effective unless or until the effective date of Small Scale Land Use Amendment No. SCA 2015-014.

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

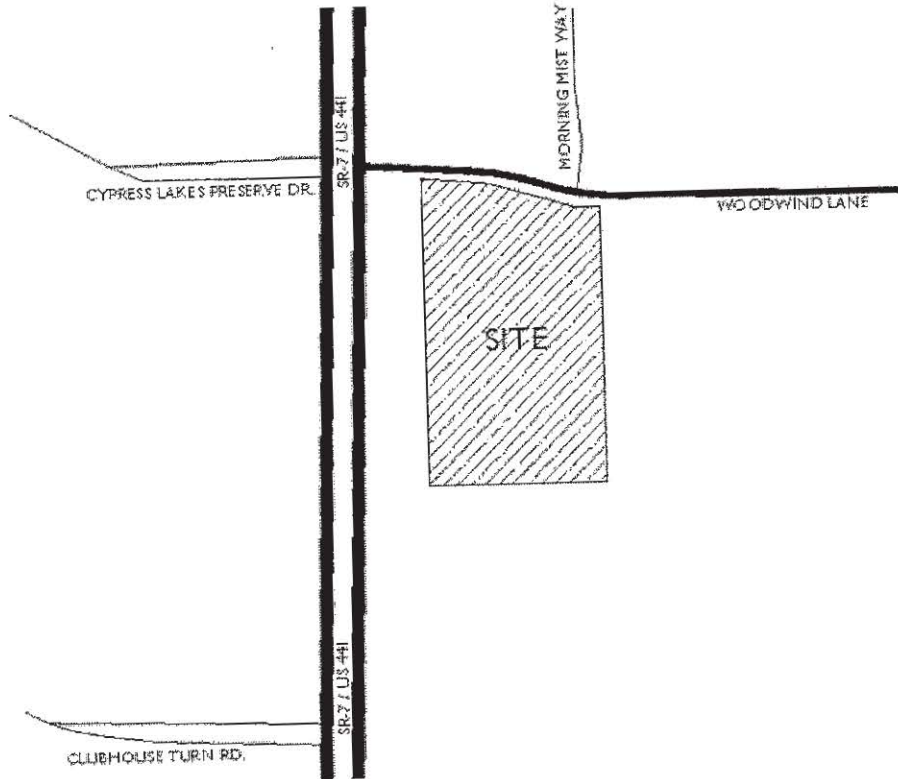
LEGAL DESCRIPTION

**Lake Worth Senior Living  
Legal Description**

Lot 24, Block 34, The Palm Beach Farms Co. Plat No. 3, according to the Plat thereof as recorded Plat Book 2, Page 45 through 54, inclusive, of the public records of Palm Beach County, Florida.

Containing 298,697 square feet or 6.85714 acres, more or less.

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Requested Use**

#### **ALL PETITIONS**

1. The approved Preliminary Site and Regulating Plans are dated August 13, 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. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Type 3 Congregate Living Facility shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated July 15, 2015. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/ONGOING: ZONING - Zoning)

#### **LANDSCAPE - GENERAL**

1. All preserved trees (including canopy trees, pines or palms) are required to be protected with tree barriers during all stages of construction. Permanent tree protection devices including, but not limited to: tree wells, retaining walls, shall be installed for the preservation of trees. (ONGOING: ZONING - Zoning)

2. A landscaping inspection shall be completed prior to the issuance of any tree removal or building permits to ensure preserved trees are properly marked and protection devices are installed. (BLDGPM: ZONING - Zoning)

#### **LANDSCAPE - PERIMETER-NORTHERN AND WESTERN PROPERTY LINE**

1. In addition to the Code requirements, the ROW buffer along the northern and western property lines shall be upgraded to include:

- a. no easement encroachment shall be permitted;
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line. (BLDGPM: ZONING - Zoning)

#### **PARKS**

1. The owner/developer shall notify future residents by providing that all contracts, leases, sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that dwelling units within the development are adjacent to a proposed district county park, and the park will be developed with active recreational amenities, and residents may be subjected to noise and lights from the park's future recreational facilities. Future facilities may include, but not be limited to ball fields, tennis courts, basketball courts, volleyball courts, concession stands, restroom and water based activities. In addition, the documents shall include a statement that all or portions of Lantana District I shall remain in an unimproved state with no regularly scheduled maintenance until such time as the park is developed in phases and open to the public.

#### **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: 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; 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: MONITORING - Zoning)

## **DISCLOSURE**

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