

RESOLUTION NO. R-2016- 0134

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2015-01024  
(CONTROL NO. 1973-00206)  
a Class A Conditional Use  
Type 3 Congregate Living Facility (CLF)  
APPLICATION OF Place of Hope at the Haven Campus Inc.  
BY Cotleur & Hearing, Inc., AGENT  
(Place of Hope at the Rinker Campus)

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 Z/CA-2015-01024 was presented to the Board of County Commissioners at a public hearing conducted on January 28, 2016;

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 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 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 of the ULDC for a Class A Conditional 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 Z/CA-2015-01024, the application of Place of Hope at the Haven Campus Inc., by Cotleur & Hearing, Inc., Agent, for a Class A Conditional Use to allow a Type 3 Congregate Living Facility (CLF) use 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 January 28, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Mary Lou Berger, Mayor	-	Aye
Commissioner Hal R. Valeche, Vice Mayor	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	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 January 28, 2016.

Filed with the Clerk of the Board of County Commissioners on February 8th, 2016.

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 FLORIDA





EXHIBIT A

LEGAL DESCRIPTION

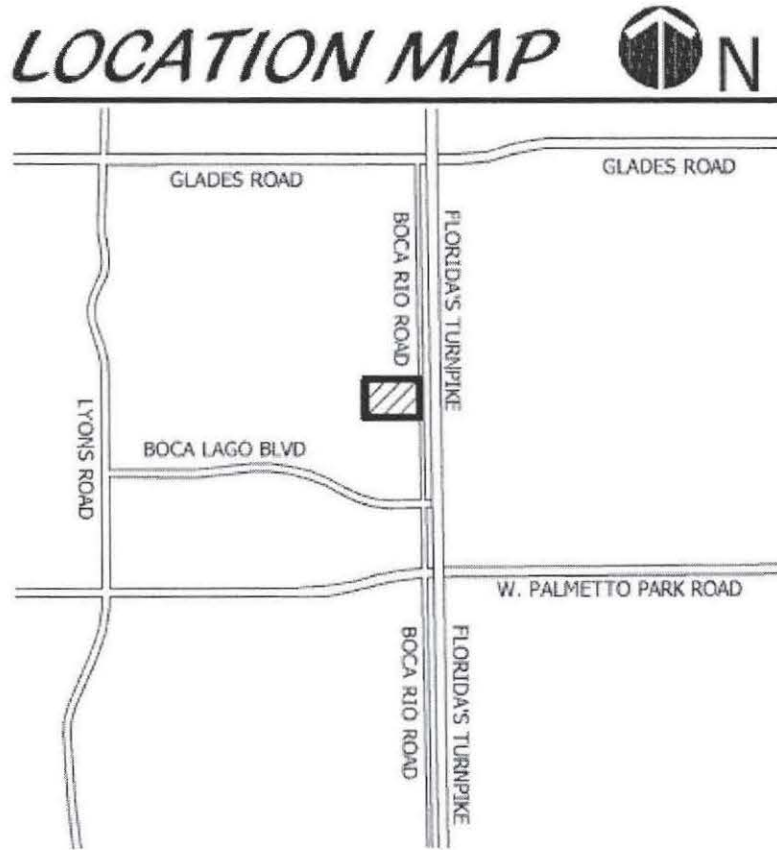
A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 47 SOUTH, RANGE 42 EAST, AND BEING A REPLAT OF PART OF TRACTS 58, 59 AND 60, BLOCK 79 OF "PALM BEACH COUNTY FARMS COMPANY PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF TRACTS 58, 59 AND 60, BLOCK 79, PALM BEACH COUNTY FARMS PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE EAST 40 FEET FOR ROAD RIGHT OF WAY AND THE SOUTH 58.49 FEET OF SAID TRACT 60 AND THE SOUTH 60.72 FEET OF SAID TRACTS 58 AND 59 FOR CANAL RIGHT OF WAY. SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 58, BLOCK 79; THENCE RUN NORTH 00°00'00" EAST ALONG THE WEST LINE OF SAID TRACT 58 A DISTANCE OF 60.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°00'00" EAST ALONG SAID WEST LINE OF TRACT 58 A DISTANCE OF 599.28 FEET TO THE NORTHWEST CORNER OF SAID TRACT 58, BLOCK 79; THENCE RUN NORTH 90°00'00" EAST ALONG THE NORTH LINE OF SAID TRACTS 58, 59 AND 60, A DISTANCE OF 940.49 FEET TO THE WEST RIGHT OF WAY OF BOCA RIO ROAD AS DESCRIBED IN RIGHT OF WAY TAKING (PARCEL 102) AS RECORDED IN OFFICIAL RECORD BOOK 22776 AT PAGE 930, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE RUN SOUTH 00°42'52" EAST ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 601.56 FEET TO THE NORTH RIGHT OF WAY OF THE LAKE WORTH DRAINAGE DISTRICT L-47 CANAL AS RECORDED IN OFFICIAL RECORD BOOK 6495 AT PAGE 761; THENCE RUN SOUTH 90°00'00" WEST ALONG THE NORTH RIGHT OF WAY OF SAID CANAL L-47 A DISTANCE OF 287.99 FEET TO THE WEST LINE OF SAID TRACT 60; THENCE RUN NORTH 00°00'00" EAST ALONG THE WEST LINE OF SAID TRACT 60 AND THE RIGHT OF WAY LINE OF SAID L-47 CANAL A DISTANCE OF 2.23 FEET; THENCE RUN SOUTH 90°00'00" WEST ALONG THE RIGHT OF WAY OF SAID L-47 CANAL A DISTANCE OF 660.00 FEET TO THE WEST LINE OF SAID TRACT 58 AND THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA AND CONTAINING 566,498 SQUARE FEET, 13.005 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Conditional Use Class A**

Type 3 Congregate Living Facility (CLF)

#### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated November 12, 2015 and the Preliminary Regulating, Master Sign Plan and Architectural Elevations are dated September 28, 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 III Congregated Living Facility (CLF) shall be submitted for final 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 Preliminary Architectural Elevations dated September 28, 2015. (DRO: 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, 2020. 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. (BLDGPM: MONITORING - Engineering)

3. Prior to the recordation of the plat, the Property Owner shall abandon or release, and relocate as necessary, the embankment easement recorded in ORB 22776 PG 930. (PLAT: MONITORING - Engineering)

4. The Property Owner shall construct guardrails adjacent to the west bank of the Lake Worth Drainage District E-2-W Canal at the intersection of Boca Rio Road and all access drives.

a. Prior to the issuance of the first building permit, all right of way permits for the guardrail shall be acquired. (BLDGPM: MONITORING - Engineering)

b. Prior to the issuance of the first Certificate of Occupancy, construction of the guardrails shall be complete. (BLDGPM/CO: MONITORING - Engineering)

#### **LANDSCAPE - GENERAL**

1. Concurrent with the submittal for Building Permits, the Property Owner shall submit a 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/ONGOING: BUILDING DIVISION - Zoning)

#### **LANDSCAPE – PERIMETER - LANDSCAPING ALONG THE WEST PROPERTY LINE:**

2. In addition to the Code requirements, landscaping and/or buffer width along the west property line shall be upgraded to include:



- a. a minimum 15 foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous minimum two (2) foot high berm; and,
- c. one (1) palm or pine for each for each thirty (30) linear feet of the property line. (BLDGPM/ONGOING: BUILDING DIVISION - Zoning)

#### **LIGHTING**

1. No outdoor lighting shall be located at the outdoor play area adjacent to the west property line. (BLDGPM/ONGOING: BUILDING DIVISION - Zoning)

#### **PLANNING**

1. The HR-12 density may only be used to calculate the number of beds associated with the CLF. (ONGOING: PLANNING - Planning)

#### **SIGNS**

1. Ground Mounted Freestanding signs fronting on Boca Rio Road shall be limited as follows:
  - a. maximum sign height - eight (8) feet, measured from finished grade to highest point;
  - b. maximum sign face area per side - thirty-two (32) square feet;
  - c. maximum number of signs - one (1); and,
  - d. style - monument style only.(BLDGPM/ONGOING: BUILDING DIVISION - Zoning)

#### **USE LIMITATION**

1. Outdoor speaker or public address systems shall not be permitted on the property. (BLDGPM/ONGOING: BUILDING DIVISION - 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: 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.