

RESOLUTION NO. R-2018- 0614

RESOLUTION APPROVING ZONING APPLICATION DOA-2017-02345  
(CONTROL NO. 1975-00068)  
a Development Order Amendment  
APPLICATION OF CHH GD Boca Raton Realty, LLC  
BY Miller Land Planning, Inc., Miller Permitting and Land Development LLC, AGENT  
(Cobblestone Place CLF (Loggers Run PUD - Tract N))

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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA-2017-02345 was presented to the Board of County Commissioners at a public hearing conducted on April 26, 2018;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the 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 DOA-2017-02345, the Application of CHH GD Boca Raton Realty, LLC, by Miller Land Planning, Inc., Miller Permitting and Land Development LLC, Agent, for a Development Order Amendment to modify and delete Conditions of Approval (Landscape), on a parcel of land generally described as shown on the legal description 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 26, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard 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 Melissa McKinlay, Mayor	- Aye
Commissioner Mack Bernard, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on April 26, 2018.

Filed with the Clerk of the Board of County Commissioners on April 27th, 2018.

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

TRACT "N"; BOUNDARY PLAT OF ORIOLE COUNTRY, A PLANNED UNIT DEVELOPMENT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGES 175 THROUGH 180 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

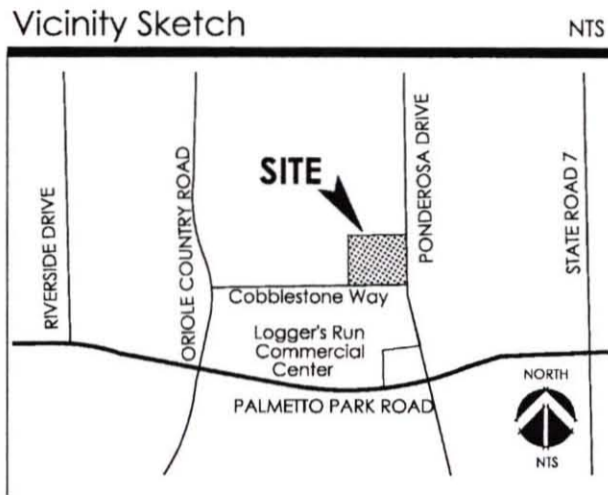
LESS AND EXCEPT A PORTION OF SAID TRACT N, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT N; THENCE SOUTH 89°45'38" WEST, ALONG THE SOUTH LINE OF SAID TRACT N AND THE NORTH RIGHT-OF-WAY LINE OF COBBLESTONE WAY, AS SHOWN ON THE PLAT OF ACADEMY AT LOGGERS' RUN, ACCORDING TO THE PLAT THEREOF; AS RECORDED IN IN PLAT BOOK 40, PAGE 97 OF SAID PUBLIC RECORDS, 25.44 FEET, THENCE NORTH 44°15'54" EAST, 35.66 FEET TO THE EAST LINE OF SAID TRACT N AND SAID WEST RIGHT-OF-WAY LINE OF NORTH PONDEROSA DRIVE; THENCE SOUTH 01°13'50" EAST, ALONG SAID EAST LINE OF TRACT N AND SAID WEST RIGHT-OF-WAY LINE OF NORTH PONDEROSA DRIVE, 25.44 FEET TO THE POINT OF BEGINNING.

BEING THE SAME AS THE LAND THAT WAS CONVEYED BY WARRANTY DEED TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA AS RECORDED IN OFFICIAL RECORDS BOOK 27069, PAGE 1686, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING A CALCULATED NET AREA OF 5.993 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2012-939, Control No.1975-00068, which currently states:

The approved Preliminary Master Plan and the Preliminary Site Plan for the Congregate Living Facility for Tract N are 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

##### Is hereby amended to read:

The approved Preliminary Site Plan for the Congregate Living Facility for Tract N is dated February 12, 2018. 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2012-0939(Control 1975-00068), 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

##### ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for the Congregate Living Facility (CLF) shall be submitted for final architectural review and approval. Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (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: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2012-939, Control No.1975-00068)

2. Building height of the proposed buildings for the Congregate Living Facility shall be limited to the following:

- a. one-story (northwest wing) building twenty-five (25) feet;
- b. two-story building - thirty-five (35) feet;
- c. three-story building forty-five (45) feet; and,
- d. Height shall be measured from the finished grade to the highest point of the building, including air conditioning, mechanical equipment and satellite dishes.  
(BLDGPMT: BUILDING DIVISION - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2012-939, Control No.1975-00068)

##### 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) (Previous ENGINEERING Condition 1 of Resolution R-2012-939, Control No.1975-00068)

2. The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for a 25-foot corner clip at the northwest corner of the intersection of Cobblestone Way and Ponderosa Drive. All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be free and clear of all encroachments and encumbrances. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2012-939, Control No.1975-00068)

#### **LANDSCAPE - GENERAL**

1. Prior to Final Approval by the Development Review Officer (DRO), the site plan for the Type 3 Congregate Living Facility shall be revised to identify all existing pines. The Property Owner shall incorporate existing pines within the required landscape buffers, or any portion of the site, where preservation of existing vegetation is feasible. The Final Site Plan shall be reviewed and approved by the Landscape Section, Zoning Division to ensure this requirement is satisfied. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2012-939, Control No.1975-00068)

4. Prior to the issuance of a Building Permit, all existing pines that are identified on the approved Final Landscape Plan, shall be barricaded, to ensure survivalability of the existing pines. (BLDG PERMIT: LANDSCAPE- Zoning) (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2012-939, Control No.1975-00068)

#### **LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE ADJACENT TO RESIDENTIAL PROPERTIES**

2. Previous LANDSCAPE - PERIMETER Condition 2 of Resolution R-2012-939, Control No.1975-00068, which currently states:

In addition to Code requirements, the proposed landscaping and buffering along the north property line shall be upgraded to include:

- a. one (1) palm or pine tree for each thirty (30) linear feet of the property line. Palms or Pines shall be clustered and located in areas of the buffer to screen the view of the proposed building. The locations of the palms or pines shall be finalized on the Final Landscape Plan;
- b. a minimum six (6) foot high hedge. Hedge shall be Areca Palm or similar species approved by the Landscape Section. The hedge shall be installed and maintained at a height of six (6) feet;
- c. a trellis located with or parallel to the buffer, and shall measure a minimum of five hundred (500) feet in length. Flowering vines shall be installed to cover the trellis; and,
- d. the canopy trees to be installed within this landscape buffer shall be of species that do

not cause excessive leaves/debris from falling into the adjacent residential properties. Species shall be reviewed and approved by the Landscape Section; and, e. prior to final approval by the Development Review Officer, the site plan shall be revised to indicate the location of the trellis. (DRO:ZONING/LANDSCAPE-Zoning)

**Is hereby amended to read:**

The landscaping and buffering along the north property line shall be upgraded to include:

- a. one palm or pine tree for each 30 linear feet of property line. Palms or pines shall be clustered and located in areas of the buffer to screen the view of the building(s). The locations of the palms or pines shall be finalized on the Final Landscape Plan;
- b. a minimum 12-foot high landscape barrier in lieu of a six foot high hedge. The landscape barrier shall be comprised of Areca Palms or similar species approved by the Landscape Section. The landscape barrier shall be installed at a height of 12 feet;
- c. the canopy trees to be installed within the landscape buffer shall be of a species that do not cause excessive leaves/debris to fall onto the adjacent residential properties. Species shall be reviewed and approved by the Landscape Section; and
- d. prior to Final Site Plan Approval by the Development Review Officer, a Final Landscape Plan shall be submitted to and approved by the Landscape Section indicating the elements required by this condition. (DRO/ONGOING: ZONING - Zoning)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES ABUTTING COBBLESTONE WAY AND PONDEROSA DRIVE**

3. In addition to Code requirements, the proposed landscaping and buffering along the south and east property lines shall be upgraded to include:

- a. one pine tree for each twenty (20) linear feet of the property line. Pines shall be planted in clusters of seven (7) to nine (9) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation;
- b. credit may be given for existing pines that meet the requirements of the Unified Land Development Code;
- c. twenty-five (25 %) percent of the required medium shrubs shall be Saw Palmetto, and shall be planted in the pine clusters; and,
- d. all other required shrubs shall be of native species. (BLDG PERMIT: LANDSCAPE Zoning) (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 3 of Resolution R-2012-939, Control No.1975-00068)

**LIGHTING-NORTH PROPERTY LINE ADJACENT TO RESIDENTIAL**

1. All outdoor, freestanding lighting fixtures along the north property line adjacent to residential shall have zero (0) foot candles illumination measured at six (6) feet above grade level. (BLDGPM: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2012-939, Control No.1975-00068)

**PALM TRAN**

1. Prior to issuance of the first Building Permit, the 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. (BLDG PERMIT:MONITORING-Palm Tran) (BLDGPM: MONITORING - Palm-Tran) (Previous PALM TRAN Condition 1 of Resolution R-2012-939, Control No.1975-00068)

**PLANNING**

1. Per LGA 2008-012, ORD 2008-23, the density associated with the High Residential, 12 units per acre (HR-12), Future Land Use designation shall only be utilized for the development of the property with a Congregate Living Facility (CLF). If developed residentially, other than a CLF, the density shall be limited to Low Residential, one (1) unit per acre. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2012-939, Control No.1975-00068)

2. Per LGA 2008-012, ORD 2008-23, at time of submittal of a Zoning application for the subject property, the property owner shall submit to the Zoning Division a TDR Application requesting purchasing the development rights for six (6) dwelling units under the County's TDR Program. (DRO:PLANNING-Planning) [Note:COMPLETE] (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2012-939, Control No.1975-00068)

**SITE DESIGN-SITE PLAN**

1. Prior to Final Approval by the Development review Officer (DRO) the site plan shall be revised to reduce the paved area of the northern turn around as allowed to comply with applicable emergency services and engineering regulations. (DRO: FIRE/ENG - Zoning) (DRO: FIRE RESCUE - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-2012-939, Control No.1975-00068)

**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) (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.