

RESOLUTION NO. R-2019- 1958

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/CA-2019-00327
(CONTROL NO. 2008-00133)
a Class A Conditional Use
APPLICATION OF Alliance Realty Partners, LLC, 6595, LLC
BY Dunay, Miskel and Backman, LLP, AGENT
(Holden of Delray 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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 Supplement 25, have been satisfied;

WHEREAS, Zoning Application ZV/PDD/CA-2019-00327 was presented to the Board of County Commissioners at a public hearing conducted on December 19, 2019;

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 Class A Conditional Use;

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 ZV/PDD/CA-2019-00327, the Application of Alliance Realty Partners, LLC, 6595, LLC, by Dunay, Miskel and Backman, LLP, Agent, for a Class A Conditional Use to allow a Type 3 Congregate Living Facility, 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 December 19, 2019, 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 Weinroth and, upon being put to a vote, the vote was as follows:

Commissioner Dave Kerner, Mayor	-	Aye
Commissioner Robert S. Weinroth, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on December 19, 2019.

Filed with the Clerk of the Board of County Commissioners on January 13th, 2020

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 "A", MORIKAMI NURSING CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 122, PAGES 123 AND 124, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE LYING AND BEING IN PALM BEACH COUNTY, FLORIDA. CONTAINING 314,949 SQUARE FEET (7.23 ACRES) MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use (Type 3 Congregate Living Facility)

ALL PETITIONS

1. The approved Preliminary Site Plan is dated November 19, 2019. 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. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Balconies shall be prohibited on the southwest corner facade as indicated on the Preliminary Site Plan dated November 19, 2019. (ONGOING: BUILDING DIVISION - Zoning)

ARCHITECTURAL REVIEW-BUILDING HEIGHT

2. The Type 3 Congregate Living Facility shall be limited to three stories except in areas where indicated as four stories per the Preliminary Site Plan dated November 19, 2019. The four story portion of the building shall be limited to a maximum of 22,382 square feet, and shall not be increased in floor area so as to expand into the three-story portion of the building. (BLDGPM/ONGOING: ZONING - Zoning)

3. The Type 3 Congregate Living Facility shall be limited to the following maximum height and minimum setback measuring from the north property line. Height shall be measured from the finished grade (where the building is located) to the highest point of the building.

a. Three story portion of the Building:

- 1) 36 feet in height with a setback of 110 feet; and,
 - 2) Building projections: 40 feet in height with a setback of 110 feet.
- (BLDGPM/ONGOING: ZONING - Zoning)

4. The south and southwest facades of the Type 3 Congregate Living Facility shall be limited to the following maximum height and minimum setback measuring from the south and west property lines. Height shall be measured from the finished grade (where the building is located) to the highest point of the building.

a. Three story portion of the Building:

- 1) 36 feet in height with a setback of 230 feet from the south property line;
- 2) Building recesses: 40 feet in height;
- 3) Building projections: 40 feet in height with a setback of 230 feet from the south property line and, 75 feet from the west property line;

b. Four story portion of the Building:

- 1) 50 feet in height with a setback of 230 feet from the south property line; and, 75 feet from the west property line. (BLDGPM/ONGOING: ZONING - Zoning)

5. The Type 3 Congregate Living Facility shall be limited to the following maximum height and minimum setback measuring from the east property line. Height shall be measured from the finished grade (where the building is located) to the highest point of the building:

a. Three story portion of the Building:

- 1) 36 feet in height with a setback of 30 feet;
- 2) Building recesses: 40 feet in height;
- 3) Portion of the building abutting recreation area/activity room (adjacent to the Wandering Courtyard): 40 feet in height with a setback of 50 feet;

b. Four story portion of the Building:

- 1) 50 feet in height with a setback of 60 feet. (BLDGPM/ONGOING: ZONING - Zoning)

6. The west facade of the Type 3 Congregate Living Facility shall be limited to the following maximum height and minimum setback measuring from the west property line. Height shall be measured from the finished grade (where the building is located) to the highest

point of the building.

a. Three story portion of the building:

- 1) South end: 36 feet in height with a 75 feet of setback;
- 2) North end: 36 feet in height with a 45 feet of setback; and,
- 3) Building projections: 40 feet in height and 70 feet of setback;

b. Four story portion of the building:

- 1) 50 feet in height with a 75 feet of setback. (BLDGPMT/ONGOING: ZONING - Zoning)

7. All stairwells may be increased to a maximum of 52 feet in height measuring from finished grade to the highest point of the stairwell portion of the building. (BLDGPMT/ONGOING: ZONING - Zoning)

LANDSCAPE - GENERAL

1. Prior to Final Approval by the Development Review Officer the drainage plan indicated on the Utility Exhibit dated September 23, 2019 shall be revised to shift the proposed pipes within the landscape islands to maintain a minimum ten feet separation by measuring from the outer edge of the pipes to the edge of the pit where the tree is to be planted. The separation may be reduced to seven feet if root barriers are installed. (DRO/ONGOING: ZONING - Zoning)

2. No width reduction or easement encroachment, excluding traversing easements, shall be permitted within the Type 2 Incompatibility Buffers along the property lines abutting residential. (BLDGPMT/ONGOING: ZONING - Zoning)

LANDSCAPE - INTERIOR

3. A group of three or more palms may not substitute the requirement for a canopy tree in the parking lot landscape islands. (BLDGPMT/ONGOING: ZONING - Zoning)

4. Landscaping in the divider medians in the parking lot shall be upgraded to include

a. Southernmost median:

- 1) One canopy tree per 25 linear feet;
- 2) Minimum height: 25 feet at installation;

b. Northernmost median:

- 1) One canopy tree per 30 linear feet, with a minimum height of 25 feet at installation; or
- 2) A group of three or more palms may substitute the requirement for a canopy tree in that location;
- 3) All palms shall be staggered heights, installed at a minimum height of 12 feet to 20 feet grey wood or clear trunk. (BLDGPMT/ONGOING: ZONING - Zoning)

5. In addition to the Code requirements, landscaping along the north facade of the building shall be upgraded to include eight clusters of three palm trees with a minimum height of 25 feet. Species and location shall be reviewed and approved by the Landscape Section. (ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER

6. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING THE DAY CARE)
In addition to the Code requirements, all required canopy, palm and pine trees to be planted in the landscape buffer shall meet the following minimum standards at installation.

a. Canopy trees:

- 1) height: 25 feet;

b. Palm trees:

- 1) heights: 12 foot clear trunk or eight foot grey wood;
- 2) clusters: clustering in three to five palms with staggered heights ranging from eight to 12 feet;

c. Pine trees:

- 1) height: 12 feet;
- 2) clusters: pines shall be planted in clusters of five to seven pines; and clusters shall be planted with staggered heights 12 feet to 16 feet at installation and a maximum spacing of 40 feet between clusters;

d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDGPMT/ONGOING: ZONING - Zoning)

7. LANDSCAPING ALONG THE SOUTH 795 FEET OF WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

In addition to the Code requirements, all required canopy, palms and pine trees to be planted in the landscape buffer shall meet the following minimum standards at installation.

a. Canopy trees:

1) height: 25 feet;

b. Palm trees:

1) heights: 12 foot clear trunk or eight foot grey wood;

2) clusters: clustering in three to five palms with staggered heights ranging from eight to 12 feet;

c. Pine trees:

1) height: 12 feet;

2) clusters: pines shall be planted in clusters of five to seven pines; and clusters shall be planted with staggered heights 12 feet to 16 feet at installation and a maximum spacing of 40 feet between clusters; and,

d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDGPM/ONGOING: ZONING - Zoning)

8. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF MORIKAMI PARK ROAD)

In addition to the Code requirements, landscaping and buffer width shall be upgraded to include:

a. a minimum 20 foot wide landscape buffer strip;

b. all required canopy trees shall be a minimum of 16 feet in height at time of installation;

c. credit may be given for existing or relocated trees provided they meet ULDC requirements; and,

d. a maximum of five feet easement encroachment shall be permitted. (BLDGPM/ONGOING: ZONING - Zoning)

9. LANDSCAPING ALONG THE NORTH, SOUTH, EAST, AND WEST PROPERTY LINES (ABUTTING SINGLE-FAMILY RESIDENTIAL AND THE LAKE)

In addition to the Code requirements, the landscaping and/or buffer shall be upgraded to include:

a. all required canopy trees shall be a minimum of 16 feet in height at time of installation; and,

b. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDGPM/ONGOING: ZONING - Zoning)

10. LANDSCAPING ALONG THE NORTH PROPERTY LINES (ABUTTING GRANDE ORCHID ESTATES) In addition to Code requirements, the landscape barrier within the Type 2 Incompatibility Buffer along the north property line shall be installed at a height of 10 feet and maintained at a height of 12-feet. (ONGOING: ZONING - Zoning)

LANDSCAPE - PRESERVATION OF VEGETATION

11. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINE (ABUTTING RESIDENTIAL) Any existing canopy tree within the Type 2 Incompatibility landscape buffers along the northern 150 feet of the east property line and eastern 300 feet of the north property line, which is damaged or dies within four years after issuance of the final Certificate of Occupancy, shall be replaced with a native canopy tree with a minimum height of 25 feet. (ONGOING: CODE ENF - Zoning)

SIGNS

1. The Ground Mounted Freestanding sign fronting on Morikami Park Road shall be limited as follows:

a. maximum sign face area per side - 75 square feet;

b. maximum number of signs - one (1); and,

c. style - monument style only. (BLDGPM/ONGOING: BUILDING DIVISION - Zoning)

2. Prior to Final Approval by the Development Review Officer, the Final Master Sign Plan shall be amended to indicate the wall sign area on the eastern facade shall be a maximum

0.25 square feet per linear foot of continuous wall. (DRO/ONGOING: ZONING - Zoning)

SITE DESIGN

1. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall plat the parking area as a separate tract of land. (CO/PLAT: 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: 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.