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West Palm Beach, FL 33406  
Phone: 561-233-5200  
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**Petition No.:** DOA75-151(C)  
**Petitioner:** LandCo Inc.  
**Owner:** Same  
**Agent:** Land Design South  
**Telephone No.:** 561-478-8501  
**Project Manager:** David Flinchum, Principal Planner

**Location:** SE corner of Via Flora and Lake Ida Road (Delray Villas Civic Site).

**Request:** Development Order Amendment (DOA) to allow a congregate living facility, type III (125 beds) and adult daycare, general (150 persons).

**PETITION SUMMARY:**

Proposed is the development of a two story 125 bed congregate living facility and a one story adult daycare complex for 130 persons in the vacant civic pod of the Delray Villas PUD. The preliminary site plan indicates the 5.63 acre property will have one access point on Via Flora Road across from Arbol Drive and one access on Lake Ida/Sims Road.

**ISSUES SUMMARY:**

- o Consistency with Comprehensive Plan

The request is consistent with the HR-8 land use designation of the Palm Beach County Comprehensive Plan. Policy 2.2.8-b of the Future Land Use Element (FLU) states, "Institutional and Public Facility uses (congregate living and day care facilities) may be allowed in all future land use designations, provided the uses are consistent with the Comprehensive Plan and the ULDC (55-FLU)."

- o Compatibility with Surrounding Land Uses

The proposed CLF and Adult Daycare facilities are across from and adjacent to existing residential communities in the Delray Villas PUD. In order to maintain the residential character of the area, staff would recommend architectural conditions, limiting the height of the buildings, additional perimeter landscaping and reduced signage.

- o Traffic

The conceptual site plan indicates this corner property is proposing one access point on Via Flora Road across from Arbol Drive and one access on Lake Ida/Sims Road approximately 200 feet east of the round-a bout intersection. The traffic report submitted with the petition and reviewed by the Palm Beach County Engineering Department estimates that an additional 679 trips per day will be generated by this request.

o Landscape/Buffering

The proposed CLF and Adult Daycare facilities are across from and adjacent to existing residential communities in the Delray Villas PUD. In order to minimize the height and scale of the CLF building, staff would recommend upgraded buffering along the street frontages for Via Flora and Lake Ida/Sims Road frontages. Staff would also recommend increasing all perimeter buffer widths to a minimum twenty five (25) feet to allow a three (3) feet high continuous berm with a maximum five (5) feet overlap into utility easements.

o Signs

Due to the proximity to existing residential areas, staff would recommend minimum signage on the two frontages. The main entrance on Via Flora would be recommended with a six (6) foot high forty (40) square feet sign face area monument style sign and the Lake Ida/Sims Road signage limited to a five (5) foot high thirty (30) square feet sign face area monument style sign. These monument style signs are to be located a maximum of forty (40) feet measured from the edge of the driveway. No wall signs would be recommended.

**TABULAR DATA**

	<b>EXISTING/APPROVED</b>	<b>PROPOSED</b>
<b>Property Control Number:</b>	<b>00-42-46-14-04-000-0010</b>	<b>Same</b>
<b>Land Use Designation:</b>	<b>High Residential 8 (HR8)</b>	<b>Same</b>
<b>Zoning District:</b>	<b>Residential Single Family/Special Exception/Planned Unit Development (RS/SE/PUD)</b>	<b>Same</b>
<b>Use:</b>	<b>Vacant</b>	<b>Congregate Living Facility (CLF), Type III and Adult daycare, general</b>
<b>Acreage:</b>	<b>5.63 acres (affected area)</b>	<b>Same</b>
<b>Floor Area:</b>	<b>0</b>	<b>CLF 74,000 sq. ft. and Adult Daycare 12,000 sq. ft.</b>
<b>Building Coverage:</b>	<b>0</b>	<b>21%</b>
<b>FAR:</b>	<b>0</b>	<b>.35 (maximum allowed)</b>
<b>Dwelling Units:</b>	<b>1545 total units in PUD</b>	<b>1237 total units in PUD and 125 beds</b>
<b>Density:</b>	<b>5.44 units/acre</b>	<b>Same</b>
<b>Parking:</b>	<b>0</b>	<b>116 spaces</b>
<b>Access:</b>	<b>0</b>	<b>Via Flora Road (1) Lake Ida/Sims Road (1)</b>

**PUBLIC COMMENT SUMMARY:** At time of publication, staff had received 8 letters opposed to the request. The concerns were generally with the height of the two story CLF building, additional traffic and the location of the petition's two proposed turnouts.

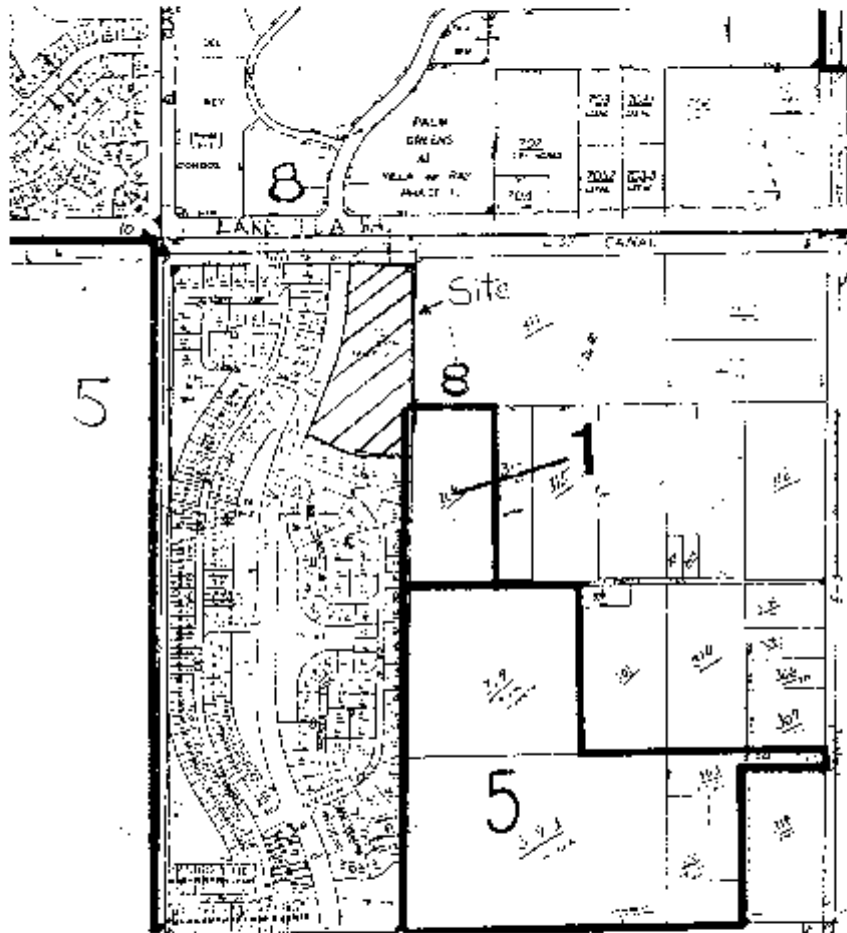
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**RECOMMENDATION:** Staff recommends approval of the request, subject to 58 conditions as indicated in Exhibit C.

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**MOTION:** To recommend approval of the request for a Development Order Amendment (DOA) to allow a congregate living facility, type III (125 beds) and adult daycare, general (150 persons).

**PALM BEACH COUNTY PLANNING DIVISION  
SITE LOCATION AND LAND USE**



Petition Number:

75-151(C)

Land Use Atlas Page:

99

Date:

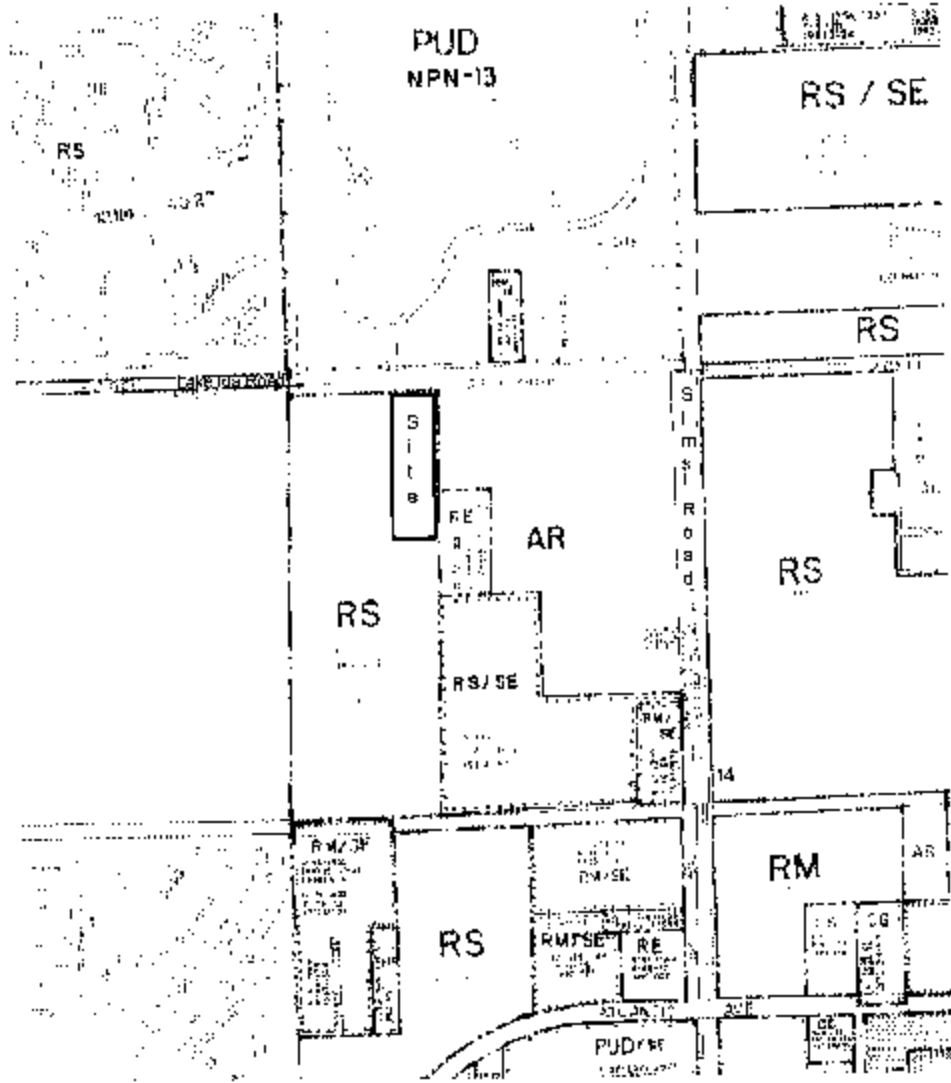
Feb 16, 2000



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EXHIBIT B

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Petition Number 75-151(C)

Zoning Quad Page 36

Date October 13, 2000



JUL 1 1 2000



**DELRAY VILLAS**  
 CIVIC SITE - POD D-1  
 PREPARED FOR ROBERT AEBERSOLD  
 PALM BEACH COUNTY, FLORIDA

**CONCEPTUAL SITE PLAN**

DATE	NOV 2000
PROJECT	DELRAY VILLAS
CLIENT	ROBERT AEBERSOLD
SCALE	AS SHOWN
DESIGNER	LAND DESIGN SOUTH
PROJECT NO.	0325-004

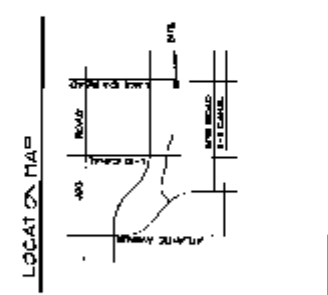
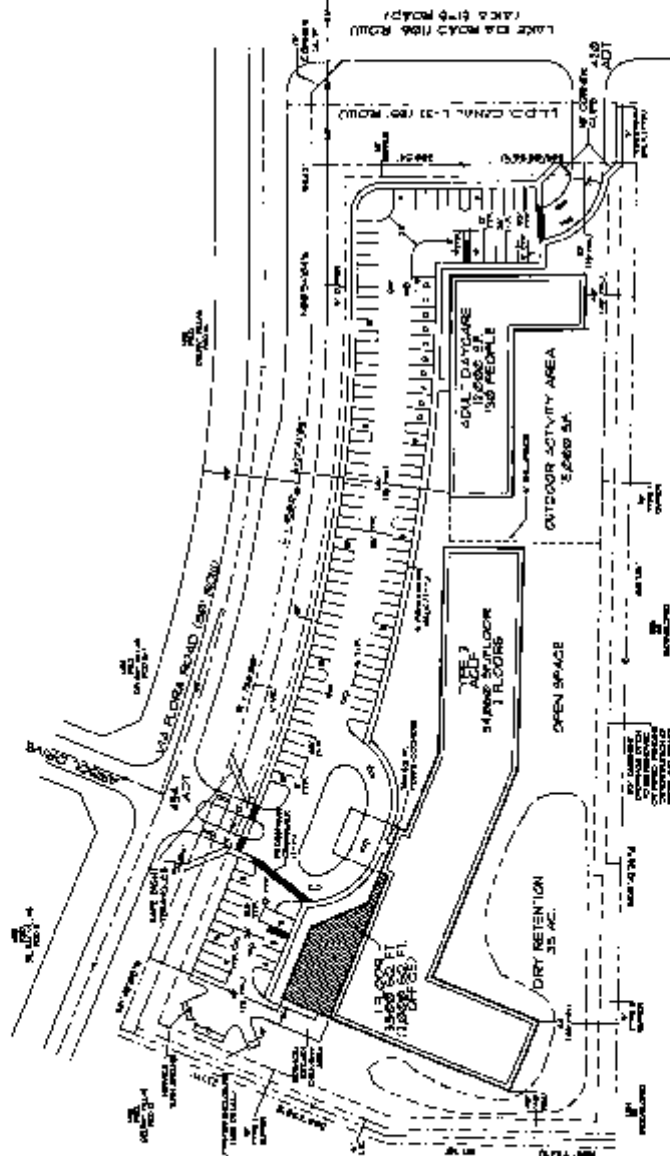
HEET # 1 OF 1

**SITE DATA**

SECTION	POD D-1
DATE	NOV 2000
PROJECT	DELRAY VILLAS
CLIENT	ROBERT AEBERSOLD
SCALE	AS SHOWN
DESIGNER	LAND DESIGN SOUTH
PROJECT NO.	0325-004
TOTAL LOT AREA (SQ. FT.)	1,100,000
TOTAL LOT AREA (AC.)	25.00
TOTAL COVERED FLOOR AREA (SQ. FT.)	1,100,000
TOTAL COVERED FLOOR AREA (AC.)	25.00
TOTAL GARAGE FLOOR AREA (SQ. FT.)	1,100,000
TOTAL GARAGE FLOOR AREA (AC.)	25.00
TOTAL GARAGE FLOOR AREA (SQ. FT.)	1,100,000
TOTAL GARAGE FLOOR AREA (AC.)	25.00

**NOTES**

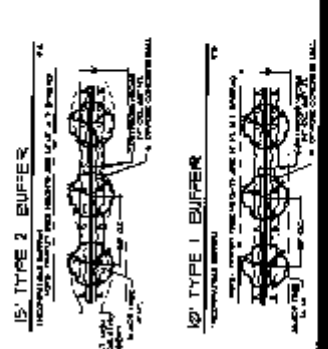
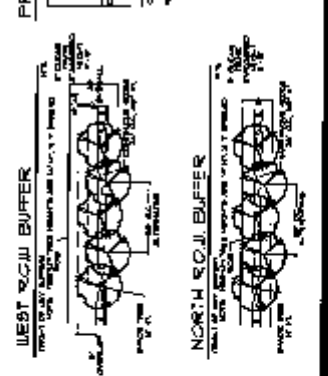
- SEE EXHIBIT 1 FOR "NON-RESIDENTIAL" ZONING REGULATIONS.
- SEE EXHIBIT 2 FOR "COMMERCIAL" ZONING REGULATIONS.
- SEE EXHIBIT 3 FOR "INDUSTRIAL" ZONING REGULATIONS.
- SEE EXHIBIT 4 FOR "AGRICULTURAL" ZONING REGULATIONS.
- SEE EXHIBIT 5 FOR "RECREATION" ZONING REGULATIONS.
- SEE EXHIBIT 6 FOR "PARKS AND RECREATION" ZONING REGULATIONS.
- SEE EXHIBIT 7 FOR "CIVIC" ZONING REGULATIONS.
- SEE EXHIBIT 8 FOR "OFFICE" ZONING REGULATIONS.
- SEE EXHIBIT 9 FOR "RETAIL" ZONING REGULATIONS.
- SEE EXHIBIT 10 FOR "RESTAURANT" ZONING REGULATIONS.
- SEE EXHIBIT 11 FOR "HOTEL" ZONING REGULATIONS.
- SEE EXHIBIT 12 FOR "MULTI-FAMILY RESIDENTIAL" ZONING REGULATIONS.
- SEE EXHIBIT 13 FOR "SINGLE-FAMILY RESIDENTIAL" ZONING REGULATIONS.
- SEE EXHIBIT 14 FOR "SPECIAL USE" ZONING REGULATIONS.
- SEE EXHIBIT 15 FOR "UNDESIRABLE" ZONING REGULATIONS.
- SEE EXHIBIT 16 FOR "MIXED USE" ZONING REGULATIONS.
- SEE EXHIBIT 17 FOR "COMMUNITY DEVELOPMENT" ZONING REGULATIONS.
- SEE EXHIBIT 18 FOR "CIVIC CENTER" ZONING REGULATIONS.
- SEE EXHIBIT 19 FOR "CIVIC CENTER" ZONING REGULATIONS.
- SEE EXHIBIT 20 FOR "CIVIC CENTER" ZONING REGULATIONS.



**PROPERTY DEVELOPMENT REGULATIONS**

PROPERTY	AREA	TYPE	PERCENTAGE	MINIMUM	MAXIMUM
POD D-1	TOTAL	RESIDENTIAL	100%	0%	100%
		COMMERCIAL	0%	0%	0%
CIVIC	TOTAL	RESIDENTIAL	0%	0%	0%
		COMMERCIAL	100%	0%	100%

NOTE: 1. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE ZONING REGULATIONS OF PALM BEACH COUNTY, FLORIDA.  
 2. THE PERCENTAGE OF DEVELOPMENT SHALL BE BASED ON THE TOTAL AREA OF THE PROPERTY.  
 3. THE MINIMUM AND MAXIMUM PERCENTAGES SHALL BE BASED ON THE TOTAL AREA OF THE PROPERTY.



## STAFF REVIEW AND ANALYSIS

### PLANNING DIVISION COMMENTS:

LAND USE PLAN DESIGNATION: High Residential 8 (HR-8)

Underlying Land Use: None

CONSISTENCY WITH LAND USE PLAN DESIGNATION: The Planning Division has reviewed the request for a Development Order Amendment to the previously approved Delray Villas PUD to allow a Type III Congregate Living Facility (CLF) (125 beds) and an adult day care (130 residents) to be located within a civic pod of the PUD. The entire PUD (284.17 acres) was previously conditioned by Petition 75-151, Resolution R-75-863, to have a maximum allowable density of 5.44 units per acre or 1,545 dwelling units. The minimum and maximum units are therefore, calculated as follows:

$$\begin{aligned} 284.17 \text{ ac} \times 5.44 \text{ du/ac} &= 1,545 \text{ units maximum} \\ 284.17 \text{ ac} \times 5 \text{ du/ac} &= 1,420 \text{ units minimum} \end{aligned}$$

Staff has determined that there is available density allocated for the PUD to convert unused units in the PUD to CLF beds. To date, all pods of the PUD with the exception of this pod, allocated for a civic site, are built out at a total of 1,237 units. Therefore, there are 308 units available to be built for this PUD. This proposed request is for 125 beds which is approximately 53 units.

While this new number of units and beds does not meet the minimum required for a PUD, the original approval of this PUD predates the 1989 Comprehensive Plan. The addition of 125 beds (52 dwelling units) to the PUD will serve to bring the site into greater conformance with its future land use designation.

Therefore, the development proposal is appropriate for this parcel's HR-8 future land use designation. Policy 2.2.8-b of the Future Land Use Element (FLU) states, "Institutional and Public Facility uses [congregate living and day care facilities] may be allowed in all future land use designations, provided the uses are consistent with the Comprehensive Plan and the ULDC (55-FLU)."

It should also be noted that the applicant's certified site plan meets the intent of **Future Land Use (FLU) Element Policy 4.3-g** which states, "Where appropriate, similar and/or complementary neighboring land uses shall employ access management techniques such as shared entrances (to reduce the number of curb cuts) and cross access between like development projects (to encourage inter-connectivity and reduce the need to use the primary street system to access adjacent sites) (78-79-FLU)." The applicant's certified site plan provides for a vehicular and pedestrian connection between the two proposed uses and the uses are linked so that the outdoor activity area is shared by both uses. In addition, staff has conditioned the application to require the connection between the two (2) proposed uses as shown on the certified site plan dated July 11, 2000.

TIER: The subject site is in the Urban/Suburban Tier.

FUTURE ANNEXATION AREAS: The subject site is not in a future annexation area identified within an adopted Comprehensive Plan.

INTERGOVERNMENTAL COORDINATION: The subject property is located within one mile of the City of Delray Beach. Staff notified the City of the request. As of October 13, 2000, no comments have been received from the City.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA:  
N/A

FINDINGS: The request is consistent with the HR-8 land use designation of the Palm Beach County Comprehensive Plan.

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**ENGINEERING COMMENTS:**

MAJOR THOROUGHFARES

- a. Total traffic expected from this project is 679 trips/day.
- b. Required Engineering Related Permits:
  - 1) The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.
  - 2) The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for access onto Via Flora Road and Lake Ida Road.

TRAFFIC:	<u>Lake Ida Road</u>
SEGMENT:	Via Flora - Sims Road
PRESENT:	5433
HISTORICAL GROWTH TRAFFIC:	-
OTHER DEVELOPMENT TRAFFIC:	-
FROM PETITION:	326
TOTAL:	5759
PRESENT CAPACITY AT LEVEL OF SERVICE "D":	14900
PRESENT LANEAGE:	2 lane

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**PALM BEACH COUNTY PUBLIC HEALTH UNIT COMMENTS:**

An Assisted Living Facility/and an ADULT DAY CARE FACILITY must be licensed by the Agency for Health Care Administration.

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II.

Sewer service is available to the property. Therefore, no onsite sewage treatment and disposal system (OSTDS) shall be permitted on this site. All existing OSTDS must be abandoned in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I.

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**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

VEGETATION PROTECTION: The area subject to this petition has been previously cleared and does not support significant amounts of native vegetation.



WELLFIELD PROTECTION ZONE: The property is not in a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3. Any non-stormwater discharge or the maintenance or use of a connection that results in a non-stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

FINDINGS: The request is consistent with the environmental criteria pursuant to ULDC Sections 7.6 (Excavation) and 9 (Environmental Standards).

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**OTHER:**

FIRE PROTECTION: The Palm Beach County Department of Fire/Rescue will provide fire protection.

SCHOOL IMPACTS: No Comment.

PARKS AND RECREATION: No Comment.

CONCURRENCY: A Concurrency Reservation, 98-9000757-C, exists for a 74,000 sf Type III CLF (125 beds), and 12,000 sf of adult day care (150).

Water/sewer service provider: PBC Utilities.

FINDING: The request is in compliance with Article 11 (Adequate Public Facilities) of the ULDC.

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**DEVELOPMENT REVIEW EVALUATION:**

SITE FACTORS: A 5.63 acre rectangular site with 736 feet of frontage on Via Flora Road and an average depth of 346 feet. The corner property has proposed access on Via Flora (1) and Lake Ida/Sims Road (1). The site is currently vacant.

**ADJACENT LAND USE AND ZONING:**

NORTH:	Comprehensive Plan: Zoning District: Supporting:	High Residential 8 (HR8) Planned Unit Development (PUD) Residential (Palm Greens @ Villa Delray (P75-151))
SOUTH:	Comprehensive Plan: Zoning District: Supporting:	High Residential 8 (HR8) Planned Unit Development (PUD) Residential (Delray Villas (P75-151))
EAST:	Comprehensive Plan: Zoning District: Supporting:	Low Residential 1 (LR 1) Agricultural Residential (AR) Nursery with greenhouses

WEST: Comprehensive Plan: High Residential 8 (HR8)  
Zoning District: Planned Unit Development (PUD)  
Supporting: Residential (Delray Villas PUD (P75-151))

**SURROUNDING LAND USES:** To the north across the 85' LWDD L-32 Canal is the Lake Ida/Sims Road 106' right of way and the Palm Greens community. To the south is Pod D of Delray Villas. To the east is a large nursery with greenhouses. To the west across the Via Flora 80' right of way are Pods G and G-1 of the Delray Villas.

**ZONING REQUIREMENTS:** Prior to final site plan certification, the master plan shall be revised to reflect the correct PUD tabular for a maximum of 1237 existing units, 125 CLF beds and 130 adults in the daycare facility.

**PROJECT DESIGN\ANALYSIS:** The proposed CLF and Adult Daycare facilities are across from and adjacent to existing residential communities in the Delray Villas PUD. In order to maintain the residential character of the area, staff would recommend architectural conditions, limiting the height of the buildings, additional perimeter landscaping and reduced signage.

**FINDINGS:** The request is consistent with the ULDC and the stated purpose and intent of the ULDC. The request complies with all standards imposed on it by all applicable provisions of the ULDC for use, layout, function, and general development characteristics. The request is consistent with the existing uses, character and zones of land surrounding and in the vicinity of the subject property and the appropriate zoning district for the subject property. Conditions in the area of the subject property have changed to the extent to warrant the request. The proposal complies with all relevant and appropriate portions of Sec. 6.6 (Supplementary Regulations) of the ULDC. The design of the proposed use should minimize any adverse effects on adjacent lands. The request will result in a logical, timely and orderly development pattern.

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#### EXHIBITS

Exhibit A: Legal Description (NA - attached to resolution)

Exhibit B: Vicinity Sketch

Exhibit C: Conditions of Approval

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition No. 1 of Resolution R-88-1623, Petition 75-151(A) which currently reads:

**The developer shall comply with all previous conditions of approval unless expressly modified herein.**

Is hereby deleted. [REASON: Superceded by new condition.]

2. Condition A.1 of Resolution R-91-1463, Petition 75-151(B) which currently reads:

**The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance unless expressly modified herein.**

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-75-0863, Petition 75-151, R-88-1623 (Petition 75-151(A)), and R-91-1463 (Petition 75-151(B)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

3. Condition A.2 of Resolution R-91-1463, Petition 75-151(B) which currently reads:

**Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 102). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E) 2(B) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval.**

Is hereby amended to read:

Development of the private civic parcel is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated July 11, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

4. Prior to final site plan certification, the master plan shall be revised to reflect the correct overall PUD tabular for a maximum of 1237 existing dwelling units, 125 CLF beds and 130 adults in the daycare facility. (DRC: Zoning)

## B. ARCHITECTURAL CONTROL

1. The exterior elevations of all buildings shall include the following:
  - a. Full pitched roof or a hip-on-deck roof with varied roof elevations within the same building. The varied elevations shall be accomplished by horizontally offsetting or jogging the roof plane so that all roof lines shall not run in a continuous distance for more than one hundred (100) feet;
  - b. Varied building materials and textures;
  - c. Exterior colors shall be neutral, pastel, or earth tone colors. Building colors shall be varied by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors;
  - d. Combination of architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, columns or pilasters, and/or quoins;
  - e. Integrated design of gutters and downspouts into the architectural design of the building;
  - f. Similar architectural character and treatment shall be provided on all sides of the building;
  - g. All roof top mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment (i.e. cupola, dormer, etc.);
  - h. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture; and,
  - i. All building entries shall be easily identifiable and integrated into the building's architecture. (DRC/BLDG PERMIT: ZONING/BLDG/ZONING)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

## C. BUILDING AND SITE DESIGN

1. **The petitioner, as he represented at the public hearing, shall reduce the density by five hundred (500) units in the Villadelray Planned Unit Development, which was approved at Public Hearings on 9/16/71 & 10/21/71, by the concurrent filing of an amended Master Plan at the Board of County Commissioners' meeting, sitting as the final zoning authority on November 20, 1975. (ONGOING: ZONING) (Previously Condition No. 1 of Resolution R-75-0863, Petition 75-151)**
2. **Prior to site plan certification, the site plan shall be amended to indicate the following:**
  - a. **The delineation of the proposed use within the center.**
  - b. **An additional loading berth in proximity to the dry cleaning facility.**
  - c. **One (1) of three (3) alternative landscape strips along the northern property line. (DRC: ZONING) (Previously Condition No. 2 of Resolution R-88-1623, Petition 75-151(A))**

3. **All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters, shall be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure constructed of brick, concrete, concrete block, or other decorative masonry or comparable wood or steel, consistent with the architectural character of the development. The open end of the enclosure shall have an obscuring opaque gate. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty-six (36) inch high shrub and hedge material planted twenty-four (24) inches on center. This provision shall not apply to litter containers provided for the convenience of pedestrians. (ONGOING: ZONING-Landscape) (Previously Condition B.1 of Resolution R-91-1463, Petition 75-151(B))**
4. The minimum setback for all structures adjacent to the south and east property lines shall be forty (40) feet. (DRC: ZONING)
5. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed twenty (20) feet for the one story Adult Day Care building and thirty (30) feet for the two story CLF building. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
6. All ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
7. All roof mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure. (CO: BLDG - Zoning)
8. All proposed fencing shall be black vinyl colored coated. (CO: BLDG - Zoning)
9. The CLF service/kitchen delivery area shall be screened from the south and east property lines by a minimum eight (8) feet high concrete wall. (DRC: ZONING)
10. The minimum setback for all dumpsters/trash receptacles adjacent to the south and east property lines shall be fifty (50) feet. (DRC: ZONING)

**D. LANDSCAPING - STANDARDS**

1. Fifty (50) percent of all canopy trees required to be planted in the perimeter buffers shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet;
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
  - c. Canopy diameter: seven (7) feet . Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE)
2. All palms required to be planted on site by this approval shall be booted native sabal palms and meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk;
  - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
  - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE)
3. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE)

E. ENGINEERING

1. **Developer shall dedicate the following rights-of-way to Palm Beach County:**
  - a) **Sixty (60) feet from the centerline of Delray West Road.**
  - b) **Eighty (80) feet for Sims Road.**
  - c) **Eighty (80) feet from Lake Worth Drainage District Lateral Canal No. 30, south to Sims Road and forty (40) feet from Sims Road south to Lake Worth Drainage District Lateral Canal No. 33, for El Clair Ranch Road.**
  - d) **One hundred eight (108) feet for Flavor Pict Road.**
  - e) **Eighty (80) feet for Via Delray.** (ONGOING: Eng) (Previously Condition No. 2 of Resolution R-75-863, Petition 75-151)
2. **Developer shall construct Flavor Pict Road as a four (4) lane, divided facility through the project to Military Trail, if right-of-way is available.** (ONGOING: Eng) (Previously Condition No. 3 of Resolution R-75-863, Petition 75-151)
3. **Developer shall construct Via Delray, as an expandable two (2) lane, paved facility from the property's west boundary to Military Trail.** (ONGOING: Eng) (Previously Condition No. 4 of Resolution R-75-863, Petition 75-151)
4. **Developer shall construct Sims Road within the confines of the project as an expandable, two (2) lane, paved facility.** (ONGOING: Eng) (Previously Condition No. 5 of Resolution R-75-863, Petition 75-151)
5. **Developer shall construct El Clair Ranch Road as an expandable, two (2) lane, paved facility within the confines of the development.** (ONGOING: Eng) (Previously Condition No. 6 of Resolution R-75-863, Petition 75-151)
6. **Via Flora shall be designed to facilitate the necessary traffic volume and turning movements.** (ONGOING: Eng) (Previously Condition No. 7 of Resolution R-75-863, Petition 75-151)
7. **Developer shall provide signalization where warranted, as outlined by the Traffic Impact Analysis, prepared by Kimley-Horn, Zoning Exhibit No. 8.** (ONGOING: Eng) (Previously Condition No. 8 of Resolution R-75-863, Petition 75-151)
8. **Turn lanes as shown on Figure 8 of the Traffic Impact Analysis for Villadelray, Exhibit No. 8, shall be constructed with the exception of the intersection of Via Flora and Delray West Road, where the following shall be constructed:**

- a) **Dual left turn lane and a right turn lane on the north approach.**
  - b) **Right turn lane on the east approach.**
  - c) **Left turn lane on the west approach.**
  - d) **Signalization to be provided when required as determined by the Board of County Commissioners. (ONGOING: Eng) (Previously Condition No. 10 of Resolution R-75-863, Petition 75-151)**
9. **The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.**

**If required by the County Engineer or the South Florida Water Management District, the developer shall design the drainage system such that storm water runoff from the parking areas and paved surface shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site. (ONGOING: Eng) (Previously Condition No. 3 of Resolution R-88-1623, Petition 75-151(A))**

10. **The property owner shall convey for the ultimate right-of-way of Delray West Road, 60 feet from centerline withing 90 days of the approval of the Resolution approving this project or prior to issuance of the first building permit, whichever shall first occur. (ONGOING: Eng) (Previously Condition No. 4 of Resolution R-88-1623, Petition 75-151(A))**

11. **The property owner shall construct:**
- a. **left turn lane, west approach on Delray West Road at each median opening permitted by the Florida Department of Transportation for this project.**
  - b. **an eight (8) foot wide pedestrian circulation path on the north side of Delray West Road from Via Flora to Lakes of Delray Boulevard as approved by Florida Department of Transportation. Construction shall then be asphalt or concrete.**

**all concurrent with onsite paving and drainage improvements. (ONGOING: Eng) (Previously Condition No. 5 of Resolution R-88-1623, Petition 75-151(A))**

12. **The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County**

**Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer this matter will be referred to the Code Enforcement Board for enforcement. (ONGOING: Eng) (Previously Condition E.1 of Resolution R-91-1463, Petition 75-151(B))**

13. **Prior to Site Plan approval the property owner shall verify conveyance to Palm Beach County Land Development Division by road right-of-way warranty deed the required right-of-way for West Atlantic Avenue, 60 feet from centerline free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (ONGOING: Eng) (Previously Condition E.2 of Resolution R-91-1463, Petition 75-151(B))**
14. **The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for the project at the time of the Building Permit presently is \$550.00 (10 trips X \$55,00 per trip). (ONGOING: Eng) (Previously Condition E.3 of Resolution R-91-1463, Petition 75-151(B))**

F. HEALTH

1. **Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (ONGOING: HEALTH) (Previously Condition No. 6 of Resolution R-88-1623, Petition 75-151(A))**
2. **Since sewer service is available to the property, septic tank shall not be approved for use on said property. (ONGOING: HEALTH) (Previously Condition No. 7 of Resolution R-88-1623, Petition 75-151(A))**
3. **Since water service is available to the property, a potable water well shall not be approved for water use on said property. (ONGOING: HEALTH) (Previously Condition No. 8 of Resolution R-88-1623, Petition 75-151(A))**
4. **Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (ONGOING: HEALTH) (Previously Condition C.1 of Resolution R-91-1463, Petition 75-151(B))**
5. **Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH) (Previously Condition C.2 of Resolution R-91-1463, Petition 75-151(B))**
6. **Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH) (Previously Condition C.3 of Resolution R-91-1463, Petition 75-151(B))**



7. **No further utility confirmation is required for this modification.**  
(ONGOING: HEALTH) (Previously Condition C.4 of Resolution R-91-1463, Petition 75-151(B))

G. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES ( LAKE IDA/SIMS ROAD AND VIA FLORA FRONTAGES)

1. Landscaping and buffering along the north and west frontages shall be upgraded to include:
  - a. a minimum twenty-five (25) foot wide landscape buffer strip with a maximum five (5) foot easement encroachment;
  - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
  - c. one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of thirty (30) feet on center,
  - d. one (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters; and,
  - e. twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. Fifty (50) percent of shrub or hedge material shall be installed on the plateau of the berm. (CO: LANDSCAPE)

H. LANDSCAPING AND BUFFERING ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south and east property lines:
  - a. a minimum twenty-five (25) foot wide landscape buffer strip with a maximum five (5) foot easement encroachment;
  - b. a continuous three (3) foot high berm measured from top of curb;
  - c. a minimum six (6) foot high black vinyl colored coated chain link fence located on the plateau of the berm. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
  - a. one (1) canopy tree planted every twenty (20) feet on center;
  - b. one (1) palm or pine tree for each twenty-five (25) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters; and,
  - c. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of sixty (60) inches at maturity. (CO: LANDSCAPE)

I. LANDSCAPING - INTERIOR

1. Foundation planting or grade level planters shall be provided along all facades of the structures to consist of the following:
  - a. the minimum width of the required landscape areas shall be eight (8) feet;
  - b. the length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
  - c. landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: LANDSCAPE)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point and be setback a minimum forty (40) feet from the south and east property lines. (CO: BLDG - Zoning)
3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

K. PLANNED UNIT DEVELOPMENT

1. **The maximum allowable density shall be 5.44 dwelling units per acre.** (ONGOING: ZONING/PLAN) (Previously Condition No. 11 of Resolution R-75-863, Petition 75-151)

L. PLANNING

1. Prior to final site plan or master plan approval, the master plan shall be revised to reflect that the total amount of units allocated for POD C is 194 units not 534 units. (DRC: Planning)
2. Prior to final site plan approval, the site plan shall reflect the pedestrian connections between the two (2) proposed uses and the sharing of the outdoor activity areas as indicated on the certified site plan dated July 11, 2000. (DRC: Planning)

M. SIGNS

1. Identification sign on Via Flora shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. Maximum sign face area per side - 40 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only.
  - e. Location - Within twenty-five (25) feet of driveway. (CO: BLDG)
2. Identification sign on Lake Ida/Sims Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - five (5) feet;
  - b. Maximum sign face area per side - 30 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only.
  - e. Location - Within twenty-five (25) feet of driveway. (CO: BLDG)
3. No wall signs shall be permitted on the facades of the buildings. (CO: BLDG)

N. USE LIMITATION

1. **The commercial tract "A" shall be limited to 40,264 square feet of gross floor area.** (ONGOING: ZONING-BLDG) (Previously Condition D.1 of Resolution R-91-1463, Petition 75-151(B))

2. **No outdoor speaker or public address systems shall be permitted on site. Existing outdoor loud speakers or public address systems shall be removed from site.** (ONGOING: CODE ENF) (Previously Condition F.1 of Resolution R-91-1463, Petition 75-151(B))

O. COMPLIANCE

1. **The approval of this petition shall not affect any Zoning Code Section 402.9 (Mandatory Review of Development Approval) review date established as the result of a previous approval for this property.** (Previously Condition G.2 of Resolution R-91-1463, Petition 75-151(B))
2. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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)
3. Condition G.1 of Resolution R-91-1463, Petition 75-151(B) which currently states:

**As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:**

- a. **The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or**
- b. **The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or**
- c. **A requirement of the development to conform with updated standards of development, applicable 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.**

**Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.**

Is hereby amended to read:

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; 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 ULDC 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; 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)