

RESOLUTION NO. R-85-1236

RESOLUTION APPROVING ZONING PETITION 85-67, Special Exception

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 85-67 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th June 1985; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; **and**

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 28th of June 1985, that Petition No. 85-67 the petition of BORIS ELLISON By Paul Parker, Agent, for a SPECIAL EXCEPTION TO ALLOW AN ADULT CONGREGATE LIVING FACILITY on Tract 120, Block 70, Palm Beach Farms Company Plat No. 3, Section 31, Township 46 South, Range 42 East, as recorded in Plat Book 2, Pages 45 to 54 inclusive. Said property located on the north side of Clint Moore Road, approximately .5 mile east of S.R. 7 (U.S. 441) in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. No structure or accessory use on this site shall be located within 500 feet of any RE, RT or RS zoning district.
2. Prior to Site Plan Certification the site plan shall be amended to reflect the following:
  - a) Centerline and ultimate right-of-way for Clint Moore Road shall be

reflected on the site plan and survey.

- b) One additional handicap parking space.
  - c) Corrected site data reflecting the total proposed square footage and available sleeping area for the entire Adult Congregate Living Facility.
  - d) Dimension setbacks.
3. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
  4. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.
  5. The property owner shall convey for the ultimate right-of-way for the existing 30 feet of right-of-way access road on the east property line, 30 feet from centerline (approximately an additional 15 feet) within 90 days of adoption of the Resolution by the Board of County Commissioners. This right-of-way is to be dedicated to the public.
  6. The Property owner shall widen the existing access drive on the east property line to a 20 foot minimum local street standard concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.
  7. 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 this project presently is \$2,893.00.
  8. The Property Owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.
  9. The Property Owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Clint Moore Road.
  10. The wooden fence shall be maintained in good condition at all times.
  11. The petitioner shall convey to the Lake Worth Drainage District the South 30 feet of Tract 120, Block 70, Palm Beach Farms Company Plat No. 3, for the required right-of-way for Lateral Canal No. 40, by quit claim deed or an easement deed in the form provided by said district, within ninety (90) days of adoption of the resolution by the Board of County Commissioners.
  12. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.
  13. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
  14. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.
  15. The resident population shall be limited to 24 persons.

Commissioner Wilken , moved for approval of the

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

Ken Adams, Chairman	--AYE
Karen T. Marcus, Vice Chairman	--ABSENT
Kenneth Spillias, Member	--AYE
Jerry L. Owens, Member	--NAY
Dorothy Wilken, Member	--AYE

The foregoing resolution was declared duly passed and adopted this 13th day of August confirming action of the 28th June 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupre  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Sprague  
County Attorney

