

RESOLUTION NO. R-89-1251

RESOLUTION APPROVING ZONING PETITION NO. **88-135**  
SPECIAL EXCEPTION PETITION OF NEW AGE DEVELOPMENT CORPORATION

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. **88-135** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March **10, 1989**; 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, this approval is subject to Zoning Code Section **402.9** (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner: 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 local land development regulations.

NOW, THEREFORE, BE **IT** RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. **88-135** the petition of NEW AGE DEVELOPMENT CORPORATION, by Robert E. Basehart, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT, CONSISTING ENTIRELY OF A CONGREGATE LIVING FACILITY TYPE **3** [WHICH EXTINGUISHES THE SPECIAL EXCEPTION FOR AN ADULT CONGREGATE LIVING FACILITY, PETITION NO. **73-9(A)**] on a parcel of land lying in the Northwest **1/4** of the Northwest **1/4** of the Southwest **1/4** of Section **24**, Township **43** South, Range **42** East, more particularly described as follows: Commencing at the Northwest corner of the Southwest **1/4** of said Section **24**; thence South **88** degrees **54' 59"** East, a distance of **50.0** feet to the East Right-of-way line of Haverhill Road and the Point of Beginning: thence continuing South **88** degrees **54' 59"** East, a distance of **623.07** feet; thence South **01** degrees **28' 57"** West, a distance of **218.23** feet: thence North **89** degrees **12' 20"** West, a distance of **210.02** feet: thence south **01** degrees **28' 57"** West, a distance of **210.02** feet to the North line of an abandoned **100** foot F.E.C. Railroad Right-of-way; thence North **89** degrees **12' 20"** West, along said North line, a distance of **413.31** feet to the East Right-of-Way line of said Haverhill Road; thence North **01** degrees **30' 47"** East, along said Right-of-way, a distance of **431.40** feet to the

Point of Beginning, being located on the east side of Haverhill Road, approximately 110 feet north of 24th Street North, in a RM-Multiple Family Residential Zoning District (Medium Density), was approved as advertised, subject to the following conditions:

1. Petition No. 73-9(A), of Zoning Resolution No. R-86-91, a Special Exception to amend the site plan for a Day Care Center, previously approved under Zoning Petition No. 73-9, by deleting the Day Care Center and to allow an Adult Congregate Living Facility, is hereby repealed in its entirety.
2. Prior to certification, the Master Plan shall be amended to indicate:
  - a. Location of the putting green and croquet field;
  - b. The areas for relocation and/or preservation of all cabbage palms and slash pine;
  - c. The creation of an enclosed service area by providing a six (6) foot high wing wall a minimum thirty (30) feet in length along the east side of the loading bays;
  - d. **Relocation of the dumpster to the enclosed service area; and,**
  - e. Breakdown of open space as established by the Zoning Code, Section 500.21.
3. The petitioner shall supplement those portions of the twenty-five (25) foot buffer abutting residential lots with a six (6) foot high hedge and berm combination. The hedge shall be planted a maximum two (2) feet on center supplemented with twelve (12) foot high native canopy trees spaced a maximum fifty (50) feet on center with an equivalent of one (1) tree planted for each twenty (20) lineal feet.
4. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent residential lots and shall not exceed fifteen (15) feet in height.
5. Use of the site shall be limited to a Congregate Living Facility for one hundred fifty-nine (159) residents including live-in staff.
6. Off premise signs shall not be permitted on site.
7. No outdoor loudspeaker system shall be permitted on site.
8. Should this development be converted to conventional residential dwellings, the maximum density shall not exceed 8 dwelling units per acre.

9. Prior to submittal for Site Plan certification, the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney.
10. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
11. **Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.**
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 onsite 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.
13. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Haverhill Road, 55 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.
14. The petitioner 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 \$5,412.00 (202 trips X \$26.79 per trip).
15. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.

16. Failure to comply with any conditions of approval may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Howard moved for approval of the petition. The motion was seconded by Commissioner Marcus and upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	-- Aye
Ron Howard	-- Aye
Karen T. Marcus	-- Aye
Carole Phillips	-- Aye
Carol Roberts	-- Absent

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of March 10, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:

*Richard Altman*  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

*June J. Hardy*  
DEPUTY CLERK

