

RESOLUTION NO. **R-89-1304**

RESOLUTION APPROVING ZONING PETITION NO. **88-126**
REZONING WITH VOLUNTARY COMMITMENTS
PETITION OF RON AND JOANN TURNER

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 have been satisfied; and

WHEREAS, Petition No. **88-126** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March **31, 1989**; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning **Authority**, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, **402.5** of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. **88-126**, the petition of RON AND JOANN TURNER, by Dennis P. Koehler, Agent, for a REZONING FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT TO CS-SPECIALIZED COMMERCIAL ZONING DISTRICT WHICH WILL EXTINGUISH A PORTION OF A SPECIAL EXCEPTION FOR AN ADULT CONGREGATE LIVING FACILITY (PETITION NO. **86-91**) on a parcel of land lying in the Northeast **1/4** of Section **26**, Township **46** South, Range **42** East, more particularly described as follows: Commence at the East **1/4** corner of Section **26**; thence run due North, an assumed bearing, along the East boundary of said Section **26**, **976.18** feet to a point, thence run North **89** degrees **17' 14"** West, **75** feet to the Point of Beginning of the herein described parcel; thence run north **89** degrees **17' 14"** West, **544.54** feet to a point; thence run due north **160.00** feet to a point; thence run south **89** degrees **17' 14"** East **544.54** feet to a point; thence run due South, **160** feet to the Point of Beginning,

being located on the west side of Military Trail (SR 809), approximately .3 mile south of Linton Boulevard, was approved on March 31, 1989, as advertised subject to the following voluntary commitments:

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
3. Use of the site shall be limited to medical office use only.
4. The height of the structure shall be limited to two (2) stories, maximum twenty-five (25) feet in height.
5. 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.
6. 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 \$17,199.00 (642 trips x \$26.79 per trip).

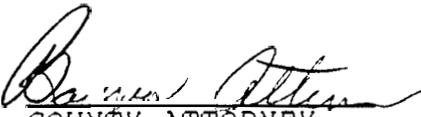
Commissioner Marcus moved for adoption of the Resolution.

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

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

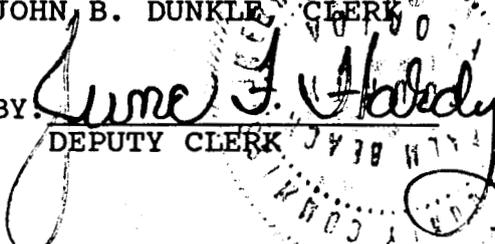
The Chair thereupon declared the resolution was duly passed and adopted this 11th day of July, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK