

RESOLUTION NO. R-89- 1318

RESOLUTION APPROVING ZONING PETITION NO. 73-93(A)
SPECIAL EXCEPTION PETITION OF GREENWIN FLORIDA INVESTMENTS

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. 73-93(A) 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. 73-93(A) the petition of GREENWIN FLORIDA INVESTMENTS, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR LOS PASEOS PLANNED UNIT DEVELOPMENT (PETITION NO. 73-93) to (1) INCLUDE A CONGREGATE LIVING FACILITY-TYPE 3, AND (2) PERMIT AN ADDITIONAL ACCESS ONTO ST. ANDREWS BOULEVARD on a parcel of land lying on Parcel H, "Estada of Los Paseos," recorded in Plat Book 37, Page 110, being located in Section 15, Township 47 South, Range 42 East, being located on the south side of Estada Lane, approximately 150 feet west of Via Valencia Drive. This property lies within the Los Paseos Planned Unit Development, which is located on the southeast corner of Glades Road (SR 808) and Powerline Road and bounded on the south by Lake Worth Drainage District L-46 Canal and on the east by St. Andrews Boulevard, in a RS-Single Family Residential Zoning District, was approved on March 31, 1989, as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. prior to certification, the site plan shall be amended to indicate:
 - a. The required twenty-five (25) foot buffer along St. Andrews Boulevard.
 - b. The required ten (10) foot perimeter landscape strip along Estada Lane.
 - c. The required five (5) foot perimeter landscape strip along the western property line.
3. The petitioner shall supplement the twenty-five (25) foot PUD buffer along St. Andrews Boulevard 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) feet high native canopy trees spaced a maximum of twenty (20) feet on center.
4. Outdoor lighting shall be low intensity and directed away from adjacent residential lots lighting standards shall not exceed twelve (12) feet.
5. No outdoor loudspeaker system shall be permitted on site.
6. 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.
7. 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.
0. The Property owner shall construct a right turn lane, north approach on St. Andrews Boulevard at the project's entrance road concurrent with onsite paving and drainage improvements. Construction shall be

completed prior to the issuance of a Certificate of Occupancy for Pod 6.

9. 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 Pod 6 presently is **\$14,545.00**.
10. The property owner shall convey to the Lake Worth Drainage District an easement over the South **10** feet of the subject property for the required right-of-way for Lateral Canal **No. 6**, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (**90**) days of the approval of the Resolution approving this project.
11. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance **73-4** as amended.
12. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
13. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
14. The Congregate Living Facility shall be limited to **210** residents including live-in staff.
15. The petitioner shall install a right in right out access point **300** feet south of Estada Lane.
16. Employee traffic, service and delivery vehicles shall be limited to the southern entrance on St. Andrews Boulevard.
17. Estada's signage, masonry wall and sidewalk shall not be removed. If these elements receive any damage during construction, the petitioner shall reconstruct, satisfying the minimum safe site distance and other applicable County Engineering standards, at his **own** expense in accordance with the original design.
18. The petitioner shall install a landscape buffer consisting of native canopy trees a minimum of ten (**10**) feet in height and twenty (**20**) feet on center or an equivalent of one tree for each twenty (**20**) lineal feet.
19. The structures on Pod 6 shall be limited to five (**5**) stories. The height shall be limited to sixty (**60**) feet.
20. 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 Marcus moved for adoption of the Resolution.

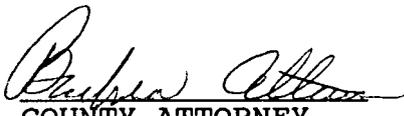
The motion was seconded by the Commissioner Howard and, upon being put to a vote, the vote was as follows:

| | | |
|--------------------------|----|--------|
| 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

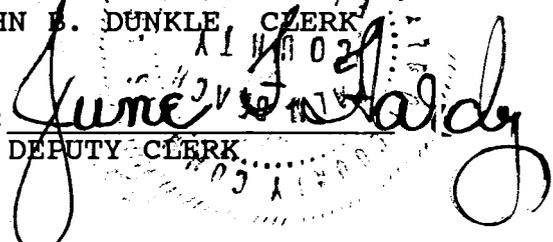
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK