

RESOLUTION NO. R-90- 1450

RESOLUTION APPROVING ZONING PETITION NO. 90-20
SPECIAL EXCEPTION PETITION OF DR. BRADLEY T. COATES

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. 90-20 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 2, 1990; 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. 90-20, the petition of DR. BRADLEY T. COATES, BY HERBERT A. PECHT, JR., AGENT, for a SPECIAL EXCEPTION to allow a CONGREGATE LIVING FACILITY TYPE III (MAXIMUM 191 BEDS) AND ADULT DAY CARE CENTER (MAXIMUM 60 CLIENTS) on a parcel of land lying in the West 1/2 of the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 26, Township 44 South, Range 42 East; Less the East 135.00 feet of the North 216.30 feet, thereof; And Less the Southerly 40.00 feet thereof for road Right-of-way; and Less the Northerly 75.00 feet thereof for canal Right-of-way; and, being located on the north side of Melaleuca Lane, approximately .05 mile west of Haverhill Road in the RM-Residential Multiple Zoning District was approved on May 2, 1990, as advertised, subject to the following conditions:

1. Building height shall be limited to thirty-five (35) feet excluding decorative architectural elements and mechanical equipment.
2. All mechanical equipment shall be roof mounted and shielded.
3. Building setbacks of sixty (60) feet along the western property line and thirty-eight (38) feet along the eastern property line shall be maintained.
4. All dumpsters shall be enclosed within eight (8) foot gated structures.

5. A tree survey, drawn at the same scale as the site plan, shall be submitted prior to Site Plan Review Committee approval.
6. A vegetation preservation program shall be developed which:
 - a. Eliminates all parking stalls in excess of minimum code requirements and preserves all desirable vegetation in the undeveloped portions of the site.
 - b. Relocates all slash pines, oaks or other desirable tree species that are impacted by development which may be moved by a tree spade to the perimeter of the site. A minimum of one (1) ten (10) foot tall native tree shall be provided for each fifteen (15) linear feet within a fifteen (15) foot wide landscape strip along the western property line.
 - c. A landscape barrier a minimum of forty-two (42) inches in height upon installation shall be provided along the western and eastern property line.
7. Prior to issuance of Vegetation Removal Permits, the petitioner shall:
 - a. Identify all trees to be relocated and where they will be relocated to.
 - b. Establish all appropriate protective measures.
8. Lighting along the western property line shall be low intensity, directed away from adjacent residences and no greater than twelve (12) feet in height.
9. No buildings greater than two-stories in height shall be constructed within one hundred twenty-four (124) feet of the western property line.
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. Prior to November 1, 1990, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County

Land Development Division by road right-of-way warranty deed for Melaleuca Lane, 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.

The Property owner shall construct a left turn lane, west approach and a right turn lane, east approach on Melaleuca Lane at the projects entrance road concurrent with on site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

14. The Property owner shall convey to Palm Beach County within 90 days of the approval of this project adequate road drainage tract through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Melaleuca Lane along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Melaleuca Lane. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevations of all construction shall be approved by the County Engineer.
15. The Developer 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 \$36,905.00 (671 trips X \$55.00 per trip).
16. The property owner shall convey to the Lake Worth Drainage District the North 75 feet of the West 1/2 of the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 26, Township 44 South, Range 42 East less the East 135 feet thereof for the required right-of-way for Lateral Canal No. 13, by Quit Claim Deed in the form provided by said District prior to July 1, 1990.
17. The facility shall be limited to 191 CLF residents (including live-in staff) and 60 day care clients.
18. The loading area shall be oriented to the north and south and shall be enclosed by an eight (8) foot wing wall.
19. The property owner shall participate in a recycling program. The program shall include paper, plastic, metal and glass products as programs are available.
20. Landscaping along the western property line shall be upgraded to include:
 - a. A landscape strip an average of 15 feet in width.

- b. A double row of native canopy trees planted an average of fifteen (15) feet on center. Thirty percent (30%) of these trees shall be a minimum of fourteen (14) feet in height and the remainder shall be a minimum of ten (10) feet in height.
- c. The property owner shall construct a six foot (6') shadowbox wooden fence within the required fifteen foot (15') wide landscape strip along the western property line. This fence shall extend the length of the property line and shall be jogged at intervals of twenty-five (25) feet, extending five (5) feet to the east from the western property line. Except that where the existing berm is located, the fence shall be installed on top of the berm to create a six (6) foot high screen. The five (5) foot jogged areas oriented to the west shall also be aligned with the structures on the west side of the property line. Fifty percent (50%) of the required landscaping materials shall be planted in the jogged areas on each side of the fence. Where such materials are not planted, a hedge a minimum of forty-two (42) inches in height shall be installed and maintained at a minimum height of six (6) feet within two (2) years of installation.

A complete set of landscape plans shall be submitted at the time of building permitting which demonstrate conformance to these conditions. All materials shall be fully irrigated and installed in manner which maximizes their buffering capacity. All landscape materials, berms, irrigation, and walls shall be installed prior to issuance of a certificate of occupancy for any building on site.

- 21. Use of this site shall be limited to the residential care of one hundred ninety-one (191) elderly adults. No prisons, mental health, sanitariums, hospice, alcohol or other rehabilitative programs shall be permitted on site. Prior to Site Plan Review Committee approval, the petitioner shall submit proof of recordation against the title of this property and restrictive covenants so reflecting these limitations.
- 22. The loading and service area shall be oriented in a north-south direction and shall be completely enclosed, excepting points of entry, with eight (8) foot tall wing walls.
- 23. As provided in the Palm Beach County 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.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by 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	--	AYE

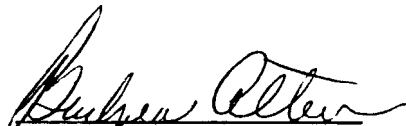
The Chair thereupon declared the resolution was duly passed and adopted this 28th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF CCUNTY.
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK