

RESOLUTION NO. R-94- 1679

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 89-80.3  
TO REVOKE THE SPECIAL EXCEPTION  
FOR PROPERTY PREVIOUSLY GRANTED A SPECIAL EXCEPTION BY  
RESOLUTION NO. R-90-819  
WHICH APPROVED THE PETITION OF  
**DELRAY** BEACH SENIOR LIVING CENTER  
PETITION NO. 89-80

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 89-80.2 was presented to the Board of County Commissioners of Palm Beach County, at a public hearing conducted on December 5, 1994; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 89-80.3 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to revoke Special Exceptions and impose entitlement restrictions; and

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

1. The density granted by the approval of the special exception is not consistent with the Comprehensive Plan;
2. The property owner has failed to comply with conditions 11, 15, 16, 17, 19, and 20 of Resolution R-90-819, and condition 2 of Resolution R-93-762; and
3. The property owner has failed to record a plat as required by Section 5.8 of the Land Development Code.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. SR 89-80.3, to revoke the Special Exception previously granted by the approval of the petition of Delray Beach Senior Living Center, Petition No. 89-80, confirmed by the adoption of Resolution R-90-819, which granted a Special Exception to permit a Planned Unit Development consisting exclusively of a Congregate Living Facility (Type III), on a parcel of land lying in the West  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 14, Township 46 South, Range 42 East, lying South of State Road 806 (West Atlantic Avenue), less the West 63.00 feet thereof, being located on the south side of Atlantic Avenue

approximately 300 feet west of **Markland** Avenue, in the RM-Multiple Family Residential (Medium Density) Zoning District, is approved.

Commissioner Newell moved for approval of the Resolution.

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

MARY MCCARTY	--	Absent
BURT <b>AARONSON</b>	--	Aye
KEN FOSTER	--	Aye
MAUDE FORD LEE	--	Absent
KAREN T. MARCUS	--	Aye
WARREN <b>H. NEWELL</b>	--	Aye
CAROL ROBERTS	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 5th day of December, 1994.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY: *Dorothy H. Wilken*

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Jim M. [Signature]*

