

RESOLUTION NO. R-96- 993

RESOLUTION APPROVING ZONING PETITION CA96-16
CLASS A CONDITIONAL USE
PETITION OF HERBERT & HEINZ KAHLERT
BY KIERAN J. KILDAY, AGENT
(CREST MANOR)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA96-16 was presented to the Board of County Commissioners at a public hearing conducted on June 24, 1996; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, Will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified 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 Zoning Petition CA96-16, the petition of Herbert & Heinz Kahlert, by Kieran J. Kilday, agent, for a Class A Conditional Uses (CA) to allow a nursing/convalescent facility and congregate living facility, Type 3, in the Residential Single Family (RS) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on June 24, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt Aaronson, Vice Chair	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

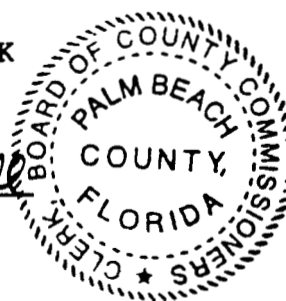


EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION

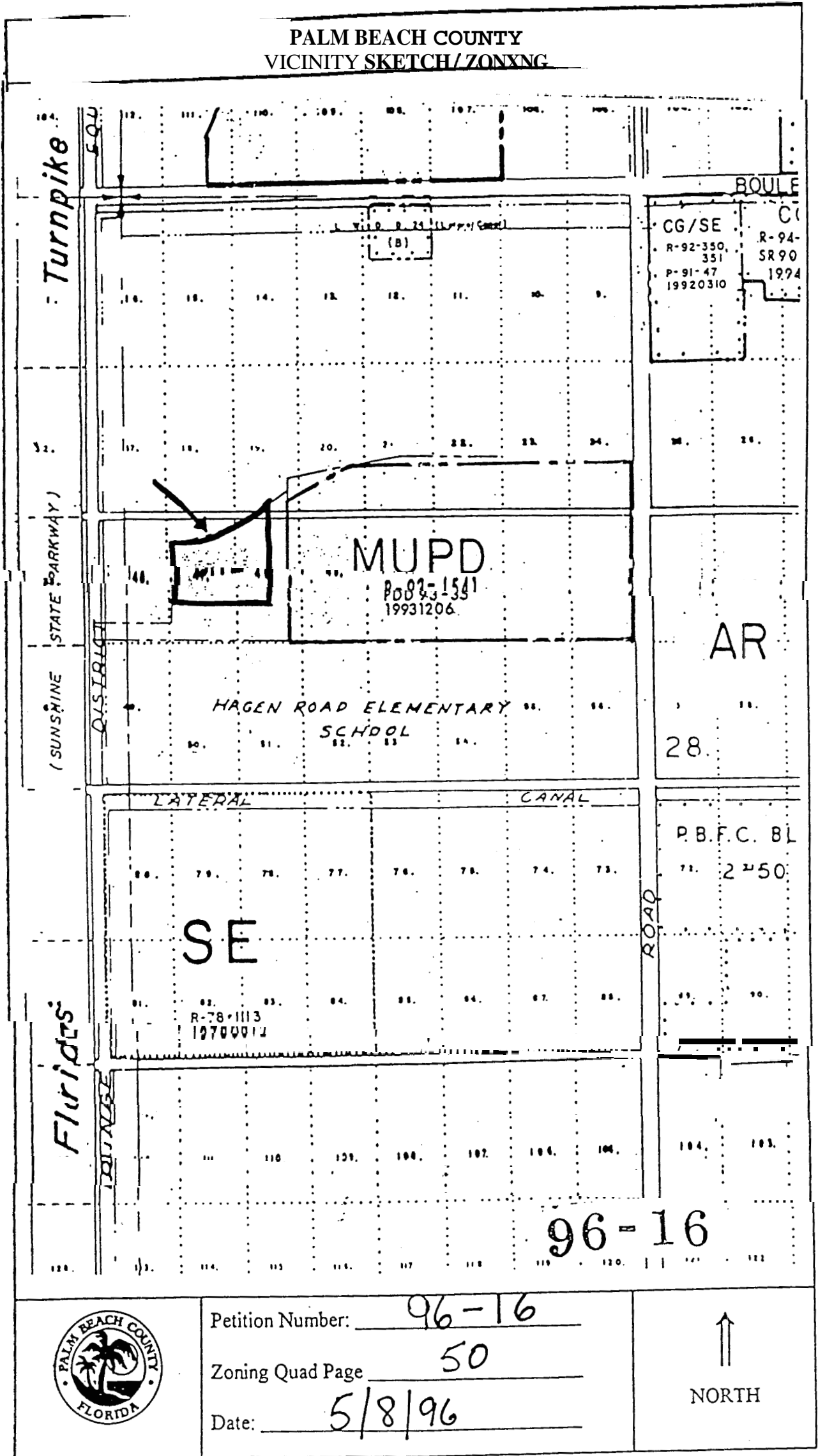
Section 28, Township 45 South, Range 42 East

Being a portion of Tract 46 through 47, a portion of the 30 foot roadway adjacent to said Tracts 46 through 48 and a portion of Tract 19 all in Block 55, Palm Beach Farms Company Plat No. 3, Plat Book 45 through 54, Public Records of Palm Beach County, Florida, described as follows:

Commencing at the Southwest corner of the plat of Bethesda Medical City, Plat Book 74, Pages 197 and 198, Public Records of Palm Beach County, Florida, run thence South 89-59-57 West along the South line of said Tracts 46 through 48, a distance of 100.00 feet; thence North 00-00-20 West (departing from said South line), a distance of 160.00 feet to the Point of Beginning; thence South 89-59-57 West, a distance of 460.00 feet; thence North 00-00-20 West, a distance of 383.18 feet to a point on a curve concave northwesterly (a radial line passing through said point bears South 07-18-09 East) having a radius of 1040.00 feet; thence easterly along the arc of said curve through a central angle of 27-24-21, a distance of 497.46 feet; thence South 00-00-20 East, a distance of 559.80 feet to the Point of Beginning.
Containing 4.755 acres, more or less.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



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EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated March 28, 1996). All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. MASS TRANSIT

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRC: ZONING - School Board/Eng/Planning)

2. The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts. This condition shall remain in effect until June 24, 1997. (DATE: MONITORING - Eng)

C. LANDSCAPING

1. Prior to final site plan certification, the east, west and south perimeter buffer strips shall be labeled as Alternative 3 buffers. (DRC: ZONING)
2. Prior to final site plan certification, the western Alternative 3 landscape buffer shall show a hedge along the entire length of the buffer strip meeting the following criteria:
 - a. height: two (2) feet at planting; and
 - b. spacing: two (2) feet on center. (DRC: ZONING:
3. Prior to final site plan certification, the site plan shall be revised to show all proposed fencing and/or walls within a required landscape buffer to be constructed on the interior side of the required landscape. (DRC: ZONING)
4. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.

- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE - Zoning)

D. SIGNS

1. Freestanding signs identifying the congregate living facility and the nursing/convalescent facility shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - 10 feet;
 - b. Maximum sign face per side - 32 square feet;
 - c. Style - Monument style only;
 - d. Maximum number of signs - 2 (one for congregate living facility and one for nursing convalescent facility.) (CO: BLDG)

E. ENGINEERING

1. The property owner 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, Zoning Petition Number 96-16, to be paid at the time of issuance of the Building Permit presently is \$15,125 (275 additional trips X \$55.00 per trip). (BLDG PERMIT: ACCOUNTING - Fair Share Fee Coordinator)
2. Prior to the issuance of a certificate of occupancy, the property shall have platted paved access in accordance with provisions of Article 8 of the Unified Land Development Code. Construction of the paved access shall be in accordance to non plan collector standards. (CO: MONITORING - Eng)

F. DENSITY

1. The nursing/convalescent facility shall be limited to a maximum of 71 residents. (ONGOING: HEALTH - Zoning)
2. The congregate living facility shall be limited to a maximum of 42 residents. (ONGOING: HEALTH - Zoning)

G. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the ULDC 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; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.
(MONITORING)