

RESOLUTION NO. R-86-127

RESOLUTION APPROVING ZONING PETITION 85-138, Special Exception

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 85-138 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th October 1985; and

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

1. With site plan modification, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 30th of October 1985, that Petition No. 85-138 the petition of WALTER JANKE, By Kevin McGinley, Agent, for a SPECIAL EXCEPTION TO ALLOW AN ADULT CONGREGATE LIVING FACILITY on the East 1/2 of Tracts 14 and 15 of the Southwest 1/4 of Section 36, Township 44 South, Range 42 East, as recorded in Plat Book 3, Page 10. Said property located on the north side of Lantana West Road (S.R. 812), approximately 0.4 mile west of Military Trail (S.R. 809) in an AB-Agricultural Residential District was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:

- a) The proposed adult congregate living facility shall be relocated

so that the structure meets the minimum 500 foot separation requirement from the adjacent (RS) Zoning District.

b) A twenty five (25) foot back up distance for all parking areas.

c) All landscape areas conforming to the landscape code.

2. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. The A.C.L.F. shall be constructed on the south portion of the site in a manner that leaves the wooded north portion of the property in a natural state, to buffer the proposed use from the prevailing surrounding equestrian uses.

3. Security lighting shall be directed away from nearby residences.

4. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property **do** not become a nuisance to neighboring properties.

5. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

6. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.

7. The property owner shall convey for the ultimate right-of-way of Lantana Road, 54 feet from centerline, prior to January 1, 1986; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

8. The property owner shall construct a left turn lane, west approach on Lantana Road at the project's entrance road, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

9. No access shall be permitted onto Nash Road.

10. 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 \$4,179.00 (156 trips X \$26.76 per trip).

11. Prior to the issuance of building permits the petitioner shall record a Unity of Title on the site.

12. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.

13. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Lantana Road.

14. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

15. The petitioner shall retain the existing fence along the eastern property, or may replace it with a fence or wall.

16. The petitioner shall install a buffer along the western side of the fence on the eastern property line. That buffer shall contain trees and other landscape materials.

Commissioner **Marcus** , moved for approval of the petition. The motion was seconded by Commissioner **Owens** , and upon being put to a vote, the vote was as follows:

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this day of **FEB 11 1986** confirming action of the 30th October 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

*Sean D. Hallington*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Randy Ingram*  
County Attorney