

RESOLUTION NO. R-89- 345

RESOLUTION APPROVING ZONING PETITION NO. 88-10
SPECIAL EXCEPTION PETITION OF ALAN D. REESE, TRUSTEE

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. 88-10, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 2, 1988; 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, 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 made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-10, the petition of ALAN D. REESE, TRUSTEE, by Dennis P. Koehler, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT, CONGREGATE LIVING FACILITY - 3, IN THE COURSE OF WHICH EXTINGUISHING A SPECIAL EXCEPTION FOR AN ADULT CONGREGATE LIVING FACILITY PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 86-60 ON JUNE 27, 1986 (RESOLUTION NO. R-87-23, ADOPTED JANUARY 13, 1987) on a parcel of land lying in the East 1\2 of the Northwest 1\4 of the Southwest 1\4 of the Northeast 1\4 in Section 25, Township 44 South, Range 42 East, located approximately 330.00 feet east of Military Trail (S.R. 809), and approximately .3 mile south of Lake Worth Road (S.R. 802), in a RM-Multiple Family Residential Zoning District (Medium Density), was approved as advertised, subject to the following conditions:

1. Prior to master plan certification, the following shall be submitted:
 - a. A deed for additional right of way, to create a minimum 80 foot wide collector road, shall be dedicated to the County from the projects west property line to Military Trail.
 - b. A tree survey meeting the standards set forth in Section 500.35.F.18 of the Landscape Code.
 - c. A vegetative assessment based on the tree survey detailing trees to be preserved, clearing methods, prohibited species eradication and preservation credits.
 - d. A landscape plan detailing the incorporation of the existing vegetation and the use of the supplemental vegetation that is compatible with the existing pine flatwoods.
 - e. Graphic information demonstrating the existing architectural character of the neighborhood and the architectural character of the proposed facility.
2. Prior to master plan certification, the master plan shall be revised to reflect the following:
 - a. An 80 foot wide collector type right of way from the project's western property line to Military Trail.
 - b. A safe and convenient drop-off area provided adjacent to the main entrance.
 - c. A minimum of 6 handicapped parking stalls in the area adjacent to the main entrance.
 - d. Future parking requirements for conversion to other residential uses.
 - e. Break down of the off street parking calculations to include number of employees.
 - f. Deletion of the designation of dwelling units from the tabular data. Project density should be described in terms of occupants.
3. All loading and mechanical equipment shall be located on the western side of the facility and shall be completely screened from the adjacent residences.

4. Site lighting shall be low intensity and directed away from surrounding residences.
5. Subject site shall record a plat subject to approval by the County Engineer in accordance with Palm Beach County's Subdivision and Platting Ordinance 73-4 as amended.
6. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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.
7. The property owner shall if required by the County Engineer construct concurrent with the 4-laning of Military Trail a left turn lane, north approach on Military Trail at the project's entrance road concurrent with onsite paving and drainage improvements.
8. 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 presently is \$12,779.00 (477 trips X \$26.79 per trip).
9. In addition the petitioner shall contribute the amount as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These funds shall be paid prior to the issuance of the first Building Permit.
10. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$2,561.00 shall be credited toward the increased Fair Share Fee.
11. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
12. Because water service is available to the property, a well shall not be approved for potable water use.

13. Maximum occupancy of the site shall be limited to 142 residents, including resident staff.

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

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of March 2, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK