

RESOLUTION NO. R-89-444

RESOLUTION APPROVING ZONING PETITION NO. 88-38  
SPECIAL EXCEPTION PETITION OF VINCENT AND DOLORES BURSCH

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. 88-38, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 28, 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. 88-38, the petition of VINCENT AND DOLORES BURSCH, by Kevin McGinley, Agent, for a SPECIAL EXCEPTION TO PERMIT A CONGREGATE LIVING FACILITY - TYPE 2 on a parcel of land lying on the East 208.00 feet of the West 654.00 feet of the North 208.00 feet of the South 1669.00 feet of Section 25, Township 43 South, Range 42 East, located on the northwest corner of the intersection of Park Lane and Cypress Road, being located on the northwest corner of the intersection of Park Lane and Cypress Road, in a RH-Multiple Family Residential Zoning District (High Density), was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
  - a. Required ten (10) foot landscape strip.
  - b. Relocate the handicap parking space adjacent to residence.

- c. Tabular data to include total number of staff.
2. Submit a program for eradication of prohibited species on site and permitted alternative hedge material.
  3. The proposal shall be restricted to a central cooking facility and consumption of food. **No** food preparation in individual living quarters shall be permitted.
  4. The maximum number of residents shall be limited to twelve (12) persons, including resident staff. Occupancy shall be limited to adults only.
  5. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.
  6. Submit to the Zoning Division an elevation drawing of proposed addition to existing residence.
  7. 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 on-site 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.
  8. The property owner shall convey for the ultimate right-of-way for a "Safe Corner" at Cypress Road and Park Lane within 90 days of the approval of the Resolution approving this project.
  9. 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 \$804.00 (30 trips X \$26.79 per trip),
  10. The application and engineering plans, calculations, to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
  11. Failure to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

12. There shall be no signage on site indicating an Adult Congregate Living Facility is in operation.
13. There shall be no occupancy of the structure indicated as a garage on site plan.
14. The petitioner shall repaint the existing fence white.

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

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

The foregoing resolution was declared duly passed and adopted this 14th day of March, 1989 confirming action of April 28, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

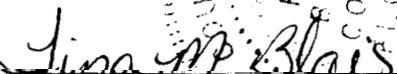
BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK

