

RESOLUTION NO. R-89- 826

RESOLUTION APPROVING ZONING PETITION NO. 89-120
SPECIAL EXCEPTION PETITION OF DR. JOHN A. MCCOY

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 have been satisfied; and

WHEREAS, Petition No. 89-120 was presented to the Board of County commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

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

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-120, the petition of DR. JOHN A. MCCOY, BY ANNA COTTRELL, AGENT, for a SPECIAL EXCEPTION TO PERMIT: 1) AN ADULT CONGREGATE LIVING FACILITY (TYPE III - 80 BEDS), 2) A NURSING HOME (120 BEDS), AND 3) A DAY CARE CENTER (MAXIMUM 15 CHILDREN) on a parcel of land lying in all of Tract 8, Model Land Company Subdivision in Plat Book 5, Page 78. Less the East 15.00 feet for road right-of-way purposes, Section 14, Township 44 South, Range 42 East, being located on the West side of Haverhill Road, being bounded on the South by Lake Worth Drainage District Canal No. 10, in a **RH-** Multiple Family Residential Zoning District, was approved on November 30, 1989 as advertised, subject to the following conditions:

1. **Prior** to Site Plan Review submittal the site plan shall be amended to indicate:
 - a. Alternative landscape strip **No.** 3 around the perimeter of the site, including minimum twelve **(12)** foot high native canopy trees, supplementing existing native vegetation where needed, spaced twenty (20) feet on center with a minimum thirty (30) inch hedge spaced twenty four (24) inches on center. The hedge shall reach a height of thirty (30) inches within one year of building Certificate of Occupancy.

- b. Maximum building height of thirty (30) feet.
2. If needed the petitioner shall reduce the number of parking stalls to allow for the preservation of existing vegetation on site.
 3. **Prior** to site plan review the petitioner shall submit a **tree** survey to locate and verify the preservation of existing slash pines within all perimeter landscape strips, interior landscape islands and medians and open space areas.
 4. The petitioner shall submit an Alternative Landscape Betterment plan at the time of Site Plan Review Committee submittal to allow some flexibility in the elimination of parking stalls and subsequent relocation of interior landscape islands which will allow for the preservation of more slash pines.
 5. Security lighting shall be shielded, low intensity maximum height of fifteen (15) feet and directed away from nearby residences and right-of-way.
 6. Use of the site shall be limited to an eighty (80) bed Congregate Living Facility, a one hundred twenty (120) bed Nursing Care Facility and a maximum fifteen (15) Child Day Care Facility.
 7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
 8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
 9. The Developer shall provide discharge control and treatment for 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** the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.
 10. 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 **\$21,890.00** (398 trips X \$55.00 per trip).
 11. Prior to issuance of a building permit, a Unity of Title must be filed for the property.

12. Failure to comply with any conditions of approval 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.

Commissioner Marcus 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:

Carol J. Elmquist, Chair	-- AYE
Karen T. Marcus	-- AYE
Carol Roberts	-- AYE
Ron Howard	-- AYE
Carole Phillips	-- AYE

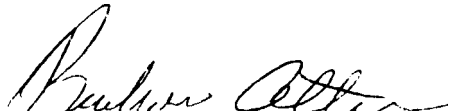
The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of May, 1990.

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