

## RESOLUTION NO. R- 89-958

RESOLUTION APPROVING ZONING PETITION NO. 88-39  
SPECIAL EXCEPTION PETITION OF WILLIAM B. HAMILTON

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. 88-39 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 27, 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. 88-39, the petition of WILLIAM B. HAMILTON, by Dennis P. Koehler, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT - CONGREGATE LIVING FACILITY - TYPE 3 (WHICH EXTINGUISHES THE SPECIAL EXCEPTION FOR AN ADULT CONGREGATE LIVING FACILITY PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-138), on a parcel of land lying in the East 1/2 of Tract 14, and the East 1/2 of Tract 15, less the South 40 feet of Tract 15 for Road Right-of-way, of the Southwest 1/4 of Section 36, Township 44 South, Range 42 East, in Plat Book 3, Page 10, being located on the north side of Lantana West Road (SR 812), approximately .4 mile west of Military trail (SR 809), in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Zoning Resolution No. R-86-137 (Zoning Petition No. 85-138) is hereby repealed in its entirety.
2. Prior to certification, the master plan shall be revised to indicate the following:

- a. A safe and convenient drop-off area located adjacent to internal circulation routes.
  - b. Future parking requirements for conversion to other residential uses.
  - c. Corrected number of occupants including live in staff.
  - d. Density equivalent calculations.
  - e. Adequate turn around area adjacent to the drop-off zone or a continuous paved circulation route.
  - f. Required landscaping along the southern and western property lines.
  - g. Required 25 foot buffer along the entire perimeter.
  - h. Required aerial photo or site plan which adequately keys the vegetation photos.
  - i. Elimination of the note "existing pine flatwoods".
  - j. Minimum tree planting requirements.
  - k. A limited access easement along Nash Road.
3. Site lighting shall be low intensity, shielded from neighboring properties and shall not exceed 15 feet in height.
  4. Within 90 days after Site Plan Review Committee approval, the petitioner shall install landscaping along the eastern property line as indicated on Exhibit 21.
    - a. The petitioner shall retain the existing fence along the western property line, and may supplement it with a hedge 24 inches by 24 inches that sustains a height of six (6) feet in one (1) year, supplemented with trees 25 feet on center.
    - b. 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 material as indicated on Exhibit No. 21.
  5. No off-premise signs shall be permitted on site.
  6. Maximum occupancy of the site shall be limited to 107 residents, including resident staff.
  7. The petitioner shall preserve all slash pine located on site and landscape the site as indicated on Exhibit No. 21.

8. Prior to Site Plan Review Committee certification, the petitioner shall amend the site plan to indicate all required perimeter landscaping in accordance with Section 500.35 of the Zoning Code.
9. 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.
10. Prior to June 15, 1988, or prior to site plan certification, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Lantana Road, 54 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
11. The property owner shall construct a right turn lane east approach on Lantana Road at the project's entrance road concurrent with onsite paving and drainage improvements. Palm Beach County may, at its option, request funds for this turn lane to be incorporated in to the four-laning of Lantana Road.
12. 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 shall be in compliance with the Fair Share Ordinance.
13. Prior to Site Plan certification, the developer shall record a Unity of Title on the subject property
14. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
15. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
16. No access shall be permitted onto Nash Road.

17. 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 CLF 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.
18. Reasonable precautions shall be exercised during site development to ensure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.
19. Reasonable measures shall be employed during site development to ensure that no pollutants from this property shall enter adjacent or nearby surface waters.
20. No structures shall be constructed within 730 feet of the north property line.
21. The northern portion of the site labeled as existing pine flatwoods on Exhibit No. 3 shall be preserved. The only vegetation removal permitted on site shall be prohibited species in accordance with Section 500.36 (Vegetation Protection Ordinance) of the Zoning Code.
22. Prior to Site Plan Review Committee certification, the petitioner shall submit documentation substantiating that a limited access easement has been created along the northern property line abutting Nash Trail.
23. 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.

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
James Watt	--	Absent

The foregoing resolution was declared **duly** passed and adopted this 23rd day of May, 1989 confirming action of May 27, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY :

*Robert A. Ottens*  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *James J. Hardy*  
DEPUTY CLERK

