

RESOLUTION NO. R-89-1316

RESOLUTION APPROVING ZONING PETITION NO. 89-22  
SPECIAL EXCEPTION PETITION OF HOWARD TRUBOW AND BETH TRUBOW

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. 89-22 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 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. 89-22 the petition of HOWARD TRUBOW AND BETH TRUBOW, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A CONGREGATE LIVING FACILITY - TYPE 3 (MAXIMUM 38 RESIDENTS) on a parcel of land lying on a parcel of land in the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 44 South, Range 43 East, being further described as follows:

Parcel No. 1.  
The North 140.00 feet of the South 180 feet of the West 308.31 feet of the East 338.31 feet of the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 44 South, Range 43 East.

Parcel No. 2.  
The North 115.00 feet of the South 295.00 feet of the West 308.20 feet of the East 338.20 feet of the Southwest 1/4 of the

Southwest 1/4 of Section 18, Township 44 South, Range 43 East, being located on the west side of Gulfstream Road, approximately .25 mile north of 10th Avenue North, in a RM-Multiple Family Residential Zoning District (Medium Density), was approved on March 30, 1989, as advertised, subject to the following conditions:

1. The native slash pine shall be preserved and incorporated into the site design to the greatest extent possible.
2. Landscape alternative Number 3 shall be required along the south, north, and west property line supplemented with the perimeter landscape requirements by installing ten (10) to twelve (12) foot high native canopy trees planted twenty (20) feet on center, supplemented with a thirty-six (36) inch high hedge and six (6) foot solid wooden fence. The landscaping shall be installed on the outside of the fence.
3. If converted, the site shall be limited to the number of units permitted by the Zoning Code. In no case shall this number exceed fourteen (14) dwelling units.
4. Use of the site shall be limited to a congregate living facility supporting a maximum of thirty-eight (38) residents, including live-in staff.
5. Off-premise signs shall not be permitted on site.
6. 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.
7. Within 90 days of approval of this project, the property owner shall convey **to** Palm Beach County Land Development Division by road right-of-way warranty deed for Gulfstream Road, 40 feet from centerline free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section 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.

8. The Property owner shall construct an eighty (80) foot wide culvert crossing, with twenty-four (24) foot wide pavement, as permitted by the applicable agencies, over the lateral canal to the south to provide continuity with Gulfstream Road to the south.

The property owner shall also fund the cost of the County's share of a street improvement program for their property when initiated.

9. The petitioner 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 **\$2,545.00** (95 trips X **\$26.79** per trip).
10. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance **73-4** as amended.
11. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
13. 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.
14. Deliveries shall be limited to occurring between **7:00** a.m. and 7:00 p.m.
15. Signage shall be limited to a double sided sign no larger than six (6) square feet.
16. Air conditioning and utility related equipment shall be located on the south side of the building.

Commissioner Marcus moved for adoption of the Resolution.

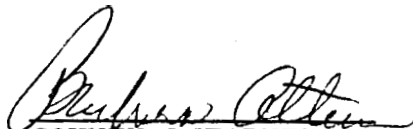
The motion was seconded by the Commissioner Howard and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared the resolution was duly passed and adopted this 11th day of July, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

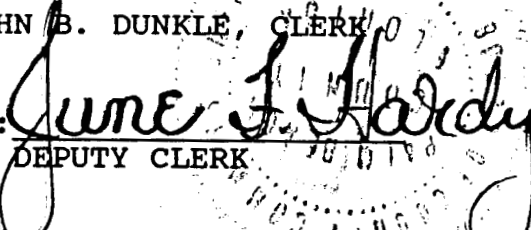
BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS.

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK