

RESOLUTION NO. R-89- 1616

RESOLUTION APPROVING ZONING PETITION NO. 89-35  
SPECIAL EXCEPTION PETITION OF HAVERHILL, INC.

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. 89-35 was presented to the Board of county Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 25, 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. 89-35 the petition of HAVERHILL, INC., by Stephan A. Yeckes, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT, CONSISTING ENTIRELY OF A CONGREGATE LIVING FACILITY - TYPE 3 (MAXIMUM 220 RESIDENTS) on a parcel of land lying on the North 1/2, less the West 244.00 feet, of Tract 16, in a Subdivision of Section 11, Township 43 South, Range 42 East, Plat Book 20, Page 53; and, the South 1/2 of said Tract 16, being located on the west side of Haverhill Road, approximately .9 mile south of 45th Street (SR 702), in a RM-Multiple Family Residential Zoning District, was approved on May 25, 1989, as advertised, subject to the following conditions:

1. Prior to certification, the Master Plan shall be amended to indicate the following:
  - a. Foundation planting using palms, canopy trees and hedge materials shall also be used to visually reduce the scale of the facility.

2. Outdoor lighting used to illuminate the premises shall be low intensity shielded and directed away from adjacent residential lots.
3. Off premise signs shall not be permitted on site.
4. **No** outdoor loudspeaker system shall be permitted on site.
5. Use **of** the site shall be limited to a Congregate Living Facility for two hundred twenty **(220)** residents. In the case of conversion the site shall be limited to a maximum of twelve **(12)** dwelling units per acre.
6. Prior to certification of the Master Plan the petition shall apply for a Vegetation Removal Permit covering the entire site. Triple fees shall be charged for this vegetation removal permit.

The petitioner shall submit with building permit application a complete set of landscape plans which substantially reestablishes the native pine flatwoods vegetative community that existed on site prior to clearing. This plan shall consists of:

- a. A minimum of seventy-five **(75)** percent native tree species associated with pine flatwoods;
  - b. A minimum of **416** trees; **and,**
  - c. A minimum of one **(1)** native understory plant for every two **(2)** feet of linear perimeter dimension.
7. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
  8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
  9. There is a potential for hazardous materials to be stored onsite, an Affidavit of Notification must be executed by site plan certification.
  10. 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.

11. 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:
  - a. Haverhill Road, **55** feet from centerline; and,
  - b. 47th Place, **30** 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.
12. The Property owner shall construct South 47th Place **from** Haverhill Road to the project's west property line minimum **2-10** travel lanes local street standards concurrent with the construction **of** the project's entrance road onto 47th Place.
13. The Property owner shall convey to Palm Beach County within **90** days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Haverhill Road along the property frontage and for a maximum **400** ft. distance each side of the property boundary lines along Haverhill Road. Said easements shall be no less than **20** feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.
14. 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 \$14,735.00 (550 trips X \$26.79 per trip).
15. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
  - a. Building permits for no more than 95 beds **shall be** issued until construction has begun for **Haverhill** Road from 45th Street

to Roebuck Road as a 5 lane section plus the appropriate paved tapers. Currently scheduled by Palm Beach County during the Fiscal Year 1992-1993. Should this developer undertake the Haverhill Road construction, as identified in the current five (5) year road program construction from 45th Street to Roebuck Road, the remaining beds will be permitted to be constructed when construction for this section commences.

- 16. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
- 17. Prior to approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney.
- 18. 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
Ron Howard	--	AYE
Karen T. Marcus	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of September, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE CLERK

BY: *Barbara Allison*  
COUNTY ATTORNEY

BY: *Ann P. Williams*  
DEPUTY CLERK

