

RESOLUTION NO. R-90-371

RESOLUTION APPROVING ZONING PETITION NO. **89-102**
SPECIAL EXCEPTION PETITION OF
JOSEPH A. PALERMO AND MAURICE EPSTEIN

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. 89-102 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 2, 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. 89-102, the petition of JOSEPH A. PALERMO AND MAURICE EPSTEIN, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT CONSISTING EXCLUSIVELY OF A CONGREGATE LIVING FACILITY (TYPE 3) (MAXIMUM 203 RESIDENTS) (**IF APPROVED, THIS WILL EXTINGUISH A PORTION OF THE SPECIAL EXCEPTION FOR A PLANNED UNIT DEVELOPMENT, PETITION NUMBERS 83-149 AND 78-226**), being a parcel of land known as: SAUSALITO GROVES - A.C.L.F. SITE -A parcel of land being a portion of the Northeast **1/4** of the Southeast **1/4** of Section 13, Township 45 South, Range 42 East, Palm Beach County, Florida; Said Parcel of land being more particularly described as follows: From the Southeast corner of the Northeast **1/4** of the Southeast **1/4** of said Section 13, run thence South 89 Degrees **40' 29"** West along the South line of the Northeast **1/4** of the Southeast **1/4** said Section 13, a distance of 672.03 feet; thence North 02 Degrees 03' **35"** East parallel with the East line of said Northeast **1/4** of the southeast **1/4** of said Section 13, a distance of 464.00 feet; thence North 89 Degrees **40' 29"** East a distance of 117.88 feet to the Point of Beginning; Run thence North 00 Degrees **35' 47"** East a distance of 811.01 feet; to a point in the Southerly right-of-way line of Lake Worth Drainage District Canal L-21; thence North 89 Degrees **38' 05"** East along said right-of-way

line a distance of 534.86 feet, to a point the Westerly right-of-way line of Lawrence Road (80 Foot **Road right-of-way**) thence South 02 Degrees 03' **35"** West along said Westerly right-of-way line a distance of 811.99 feet; thence South 89 Degrees 40' **29"** West a distance of 514.11 feet to the Point of Beginning, containing 9.766 Acres; and, being located on the west side of Lawrence Road, approximately **.07** mile north of N.W. 22nd Avenue, in the RM-Multiple Family Residential (Medium Density) Zoning District, was approved on October 4, 1989 as advertised, subject to the following conditions:

1. Zoning Resolution R-84-773 and R-84-774, Petition No. 83-149 and Resolution R-89-1157, Petition No. **83-149(A)** and hereby repealed in their entirety.
2. Simultaneously with submittal to Site Plan Review Committee, the petitioner shall submit a Unity of Control document for this parcel including the land in Petition 89-101, to the west. The Unity of Control shall contain provisions of shared water retention tracts and drainage easements between the two parcels. The Unity of Control shall be subject to approval by the County Attorney and County Engineer.
3. Conversion density to residential dwelling units shall be limited to 8 dwelling units per acre.
4. Simultaneously with' submittal to Site Plan Review Committee, the petitioner shall submit a recorded Declaration of Restrictions, subject to approval by the County Attorney, satisfying Zoning Code Section 500.37.D.2.c.
5. Prior to Site Plan Review Committee, the site plan shall be modified to specify the number of resident staff.
6. Petitioner shall limit building height to a **maximum** of 35 feet and shall design the facade of the building to present a two story appearance.
7. Use of the site shall be limited to a Congregate Living Facility Type III, with a maximum of 203 residents, including live in staff.
8. The landscape buffer along the east and south property line shall be upgraded to include:
 - a. A berm and hedge combination to be maintained at a minimum height of six (6) feet;
 - b. Seventy-five (75) percent of the trees shall be native canopy, twelve (12) foot high at planting; and,
 - c. A minimum of one (1) tree shall be planted for each twenty **(20)** lineal feet of property along the respective property boundaries.
9. Off premise signs shall not be permitted on site.
10. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

11. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
12. 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.
13. The Property owner shall construct a left turn lane, south approach on Lawrence Road at the project's entrance road concurrent with **onsite** paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
14. 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 Lawrence Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Lawrence 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) the included segment.
15. 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.
16. The Developer shall plat this subject property plus the property contained in Zoning Petition 89-101 as one plat in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
17. 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 27th day of February, 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