

RESOLUTION NO. R-90- 535

RESOLUTION APPROVING ZONING PETITION NO. 89-77
SPECIAL EXCEPTION PETITION OF PALM BEACH RETIREMENT, 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. 89-77 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 31, 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. 89-77 the petition of PALM BEACH RETIREMENT, INC., for a SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT CONSISTING EXCLUSIVELY OF A CONGREGATE LIVING FACILITY (TYPE 3) on a parcel of land lying in the Southeast 1/4 Section 1. Township 44 South Range 42 East, and being more particular bounded and described as follows: Commence at the Southeast corner of said Section 1: thence North 88 degrees 57' 53" West along the South line of said section 1, a distance of 1335.25 feet to the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of said Section 1: thence North 01 degrees 27' 19" East along the East line of said Southwest 1/4 of the Southeast 1/4 a distance of 80.00 feet to the North right-of-way line of Summit Boulevard and the point of beginning, thence continue North 01 degrees 27' 19" East along said east line of the Southwest 1/4 of the Southeast 1/4 a distance of 1253.18 feet to the Northeast corner of said Southwest 1/4 of the Southeast 1/4; thence North 88 degrees 54' 36" West along the North line of said Southwest 1/4 of the Southeast 1/4 a distance of 432.41 feet to a point 903.39 feet East of the North-South 1/4 section line of said Section 1, as measured along the North line of said Southwest 1/4 of the Southeast 1/4; thence South 01 degrees 02' 07" West along a line perpendicular to said South line of Section 1 a distance of

1253.56 feet to said North right-of-way line of Summit Boulevard; thence South 88 Degrees 57' 53" East along said North right-of-way line and 80.00 feet North of and parallel with said South line of Section 1 a distance of 423.22 feet to the point of beginning, being located on the north side of Summit Boulevard, approximately .02 mile east of Military Trail (SR 809) in a RM-Multiple Family Residential Zoning District, was approved on August 31, 1989, as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee approval, the site plan shall be revised to reflect:
 - a. A 25 foot PUD buffer completely around the perimeter of site; and,
 - b. Paved parking areas.
2. Landscaping along the eastern and western property lines shall be upgraded to include:
 - a. Twelve foot tall native canopy trees planted 20 feet on center;
 - b. One native palm for each 40 linear feet of property line; and,
 - c. A continuous 48" tall hedge.
3. All required trees shall be allowed to reach a mature height of a minimum of 15 feet. These trees shall be maintained, using accepted **Arbor** Society Practices.
4. Site lighting shall be directed away from surrounding residential properties through the use of house side shields. Lighting standards shall be limited to fifteen (15) feet in height.
5. The facility shall be limited to a maximum of 258 residents, including live-in staff.
6. The facility shall be limited to a maximum of three stories in height.
7. No off premise signs shall be permitted on site.
8. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
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. No vehicular access (other than emergency access) shall be permitted onto Solar Street.
12. The Developer 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 \$17,280.00 (645 trips X \$26.79 per trip).
13. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
14. 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 Phillips moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this- 27th day of March, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Stephen Allison*
COUNTY ATTORNEY

BY: *Jina Blair*
DEPUTY CLERK

