

RESOLUTION NO. R-91-248

RESOLUTION APPROVING ZONING PETITION NO. 79-82(A)  
SPECIAL EXCEPTION PETITION OF  
PATRICIA A. POLLARD, BY BRUCE KALEITA, AGENT

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. 79-82(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 26, 1990; 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. 79-82(A), the petition of PATRICIA A. POLLARD, BY BRUCE KALEITA, AGENT, FOR A SPECIAL EXCEPTION FOR AN ADULT CONGREGATE LIVING FACILITY on a parcel of land lying in Tract 44, Block 25, The Palm Beach Farms Company Plat No. 3, as in Sections 19 and 30, Township 44 South, Range 42 East as recorded in Plat Book 2, Page 47, located on the south side of 38th Place South, approximately .1 mile west of Jubilee Road (90th Avenue South), and approximately .1 mile north of Lake Worth Road (S.R. 802), in an AR-Agricultural Residential Zoning District was approved on July 26, 1990, as advertised, subject to the following conditions:

STANDARD CONDITIONS:

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development regulations in effect on October 29, 1987.

3. Development of this site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E)2 (b) of the Zoning Code (Site Plan Review Committee Powers and Standards of Review).

#### ENGINEERING

4. 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. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surface shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
5. The property owner shall convey for the ultimate right-of-way of the existing 30 feet right-of-way along the project's north property line, an additional 15 feet of right-of-way within 90 days of the approval of the Resolution approving this project or prior to issuance of the first Building Permit, whichever shall first occur.
6. The property owner shall construct paved access to the site from Lyons Road. This construction shall be to local street standards minimum 2-10 foot travel lanes concurrent with onsite paving and drainage improvements.
7. 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.
8. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$1,996.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$9,979.00 to be paid prior to the issuance of the first building permit or prior to February 1, 1991, whichever shall first occur. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$1,996.00 shall be credited toward the increased Fair Share Fee.
9. No building permits shall be issued until Lyons Road has been constructed as a minimum 2 lane section from Lake Worth Road north to the existing 30 foot right-of-way.

#### ENVIRONMENTAL RESOURCE MANAGEMENT

10. All finished axcavated lakes shall posses a littoral shelf area. A littoral shelf shall be an area with a slope not greater than six (6) feet horizontal to one (1)

foot vertical, ranging in depth from ordinary high water (OHW) or controlled water level (CWL) to four feet below OHW or CWL extending around the entire perimeter of the lake. A minimum of 30% of the littoral shelf shall be planted with native aquatic vegetation on a minimum of 18 inch centers. A littoral shelf planting plan and maintenance plan submitted for approval by the Department of Environmental Resources Management at the same time as submittal of the site plan application.

#### HEALTH

11. Sewer service is available to the property, therefore, a septic tank shall not be approved for use on said property.
12. Water service is available to the property, therefore, a well shall not be approved for potable water use on said property.

#### IRRIGATION QUALITY WATER

13. When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

#### LIGHTING

14. Security lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site. No lights shall be allowed on the south side of the building. There shall be no pole lighting on the site.

#### PRESERVATION/LANDSCAPING

15. Native vegetation within the south 75 feet of the site shall be preserved and shall be protected during construction. Existing vegetation along the north property line shall be supplemented with native shrubs and native canopy trees where necessary to provide a vegetative buffer. This buffer shall be visually solid to a height of six (6) feet, supplemented with native canopy trees at least fifteen (15) feet in height spaced a maximum of twenty (20) feet on center and one (1) native palm spaced every thirty (30) feet on center. All new vegetation shall be of a species that will survive both wet and dry conditions, and shall include wax myrtle.

#### RECYCLE SOLID WASTE

16. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

#### SITE SPECIFIC

17. Prior to site plan certification, the site plan shall be amended to indicate the following:

- a. A minimum 500 foot separation between the proposed ACLF and single family homes to the north.
  - b. Preservation area along the north 200 feet of the property, interrupted only by the necessary driveway (s).
  - c. Shuffleboard court relocated to the north side of the building.
  - d. Maximum occupancy of the ACLF shall be limited to 118 persons.
  - e. The existing 1,500 square foot caretakers quarters shall be removed from the site plan.
  - f. Relocate the proposed access drive to within twenty-five (25) feet of the eastern property line.
18. Prior to site plan certification, the petitioner shall record a metes and bounds of all preservation areas; and cypress stands ensuring their perpetual maintenance in a form acceptable to the County Attorney.

COMPLIANCE

19. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
- a. 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; and/or
  - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
  - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

commissioner Phillips moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

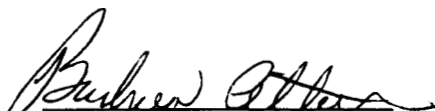
The Chair thereupon declared the resolution was duly passed and adopted this 26th day of February, 1991.

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