

RESOLUTION NO. R-91-992

RESOLUTION APPROVING ZONING PETITION NO. 91-17
SPECIAL EXCEPTION PETITION OF
THE PIOUS SOCIETY OF THE MISSIONARIES OF ST. CHARLES BOROMMERO

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. 91-17 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on April 25, 1991; 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 the 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, Chapter 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. 91-17, the petition of THE PIOUS SOCIETY OF THE MISSIONARIES OF ST. CHARLES BOROMMERO, BY DENNIS P. KOEHLER, AGENT, for a SPECIAL EXCEPTION FOR A PUD, CLF TYPE 2 (MAXIMUM 14 RESIDENTS) on a parcel of land lying on the West 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 12, Township 46 South, Range 42 East, also known as Tract 7 of the unrecorded PLAT OF BEVERLY ESTATE, and being located ON THE S. SIDE OF 133 RD. S., APPROXIMATELY .1 MILE E. OF MILITARY TR., was approved on April 25, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS:

1. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
2. This Special Exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan approved by the

Board of County Commissioners (Exhibit 22). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E)2 (b) (Site Plan Review Committee Powers and Standards of Review).

B. SPECIFIC CONDITIONS:

1. The site plan, prior to certification, shall comply with all requirements of Section 500.37 of the Zoning Code relating to Congregate Living Facilities, Type 2.
2. The site plan, prior to certification, shall comply with all requirements of Section 500.21 of the Zoning Code relating to Planned Unit Developments.
3. The site plan, prior to site plan certification, shall indicate the following:
 - a. Access driveway on the site shall be minimum twenty-five (25) feet wide.
 - b. The location of the dumpster and turn around area for vehicles without multiple maneuvers.
 - c. Individual parking spaces.
 - d. Tabular information on the site plan shall indicate the acreage reserved for the preservation area and the area used for the development, with the density computed on that area (1.75 acres), complying with the minimum density requirement of the Zoning Code.
4. The property owner shall annex the subject property into the City of Delray Beach at such time the property is the subject of an annexation proposal by the City.
5. Prior to Site Plan Review certification, the petitioner shall record a Preservation Easement Agreement, subject to review by the County Attorney.

C. DUMPSTER

1. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind walls having an architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscure, opaque gate.

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The vehicular entrance to the site shall be designed in order to minimize the impact to the mature slash pines on-site.

E. ENGINEERING

1. 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 on-site 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.

2. Prior to August **1, 1991** or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to the public by road right-of-way warranty deed for 133rd Road South, **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.
3. The Property Owner shall construct paved access to the site from Military Trail. The Property owner shall construct **2-10** foot travel lanes including appropriate drainage concurrent with on-site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
4. 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. The Fair Share Fee for this project at the time of the Building Permit presently is **\$1,650.00** (30 trips **X \$55.00** per trip).
5. The property owner shall convey to the Lake Wcrth Drainage District the south **40** feet of the west 1/2 of the southeast 1/4 of the southwest 1/4 of Section 12, Township **46** South, Range **42** East for the required right-of-way for Lateral Canal **No. 31**, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to August **1, 1991**.
6. The Developer shall plat the subject property in accordance with provisions of **Palm** Beach County's Subdivision and Required Improvements Regulations 90-8 as amended. The platting of this property may be phased in accordance with a phasing plan acceptable to the office of the County Engineer. A phase should not be **larger** than what would reasonably be expected to be completed within the time frame of the posted surety.

F. HEALTH

1. The application and engineering plans to construct on site potable water supply and/or on site sewage disposal system must be submitted to the Health Unit prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).

2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
3. The applicant shall secure a water service agreement from the City of Delray Beach prior to Board of County Commission Approval.

G. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be a maximum of fifteen (15) feet in height, low intensity, shielded and directed away from adjacent properties and streets.

H. PLATTING

1. Prior to the issuance of building permits, the property owner shall plat the property to indicate 3.1 acre:; of preserve area. The area shall be described in metes and bounds description and recorded in the public record. This platted preserve area shall be automatically extinguished upon the rezoning, site plan approval and recording of another plat not involving a **Congregate Living Facility (CLF)**.

I. PRESERVATION

1. The petitioner shall redesign the vehicular entrance to the site, to allow for the preservation of existing vegetation on site.
2. The petitioner shall preserve/relocate existing **native** vegetation on site and shall incorporate it into the project design. Clearing of the vegetation shall be limited to the building pad areas, and vehicular use areas.
3. Native vegetation required to be removed during the construction process will be replaced according to the preservation schedule provided in the Landscape Code (Section 500.35.G.4.b., Figure 500.35-3).

J. RECYCLE SOLID WASTE

1. Petitioner shall encourage residents to participate in a recycling program **for** paper, plastic, metal and glass products.

K. SIGNS

1. Signs on the property shall be limited as follows:
 - a. Number of on premise signs shall be limited to **one (1)**.
 - b. No other on or off premises sign shall be permitted on site.
 - c. **Size** on the premise sign shall not exceed one (1) square foot.
 - d. Height on the premise sign shall not exceed five (5) feet.

2. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede the sign-related conditions of approval.

L. COMPLIANCE

1. 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 Elmquist 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:

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

The Chair thereupon declared the resolution was **duly** passed and adopted this 23rd day of July, 1991.

APPROVED AS TO **FORM**
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY :



COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY :



DEPUTY CLERK

