

RESOLUTION NO. R-97- 37₁

RESOLUTION APPROVING ZONING PETITION CA96-119
CLASS A CONDITIONAL USE
PETITION OF WILLIAM SCHEURICH AND ANNA R. CURRENT, TRUSTEE
AND MARY OAK VESTREM
BY DONALDSON HEARING, AGENT
(REST & RECOVERY CENTER)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the ~~notice~~ and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA96-119 was presented to the Board of County Commissioners at a public hearing conducted on February 27, 1997; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is ~~subject~~ to Article 5, Section 5.8 (Compliance with Time Limitations) of ~~the~~ Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
- a. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA96-119, the petition of William Scheurich/Anna R. Current, Trustee/Mary Oak Vestrem, by Donaldson Hearing, agent, for a Class A Conditional Use (CA) for a Nursing/convalescent facility (22 beds) in the Neighborhood Commercial Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 27, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Aye
Karen T. Marcus	--	Absent
Mary McCarty	--	Absent
Warren Newell	--	Absent
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on March 27, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

PARCEL I: Parcel of land in Government Lot 7, Section 31, Township 40 South, Range 43 East, described as follows: Beginning on the Southerly right of way of U.S. Federal Highway No. 1 at Station P.C. 1180 X 23.1 which is a 3" iron pipe extending 8 inches above the ground as shown on an amended Plat of Jupiter Inlet Estates, Inc. filed in Plat Book 16, Page 25 in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida; thence Southeasterly along said right of way line 88 feet, more or less, to its intersection with the Westerly right of way line of Old Jupiter and Lake Worth Railroad; thence Southeasterly along said right of way line, 310 feet to the POINT OF BEGINNING; thence Westerly, making an angle with the preceding course, measured for NW to West of 68 degrees 08' a distance of 98 feet, more or less, to the waters of the Jupiter River of Florida East Coast Canal; thence Northerly along the waters of said Jupiter River 76 feet, more or less to a point in a line parallel to and 70 feet Northerly (measured at right angles) from the line of parcel herein described; thence Easterly along said parallel line 106 feet, more or less, to a point in said Westerly right of way line of the Old Jupiter & Lake Worth Railroad; thence continue Easterly along same course to a point in the Easterly right of way line of the 40 foot right of way of Jupiter & Lake Worth Railroad; thence South-Easterly along said Easterly right of way line 76.43 feet to a point in the Easterly extension of the South line of the parcel herein described; thence Westerly along said Easterly extension of the POINT OF BEGINNING.

PARCEL II: The South 70 feet of a tract of land in Government Lots 6 & 7, Section 31, Township 40 South, Range 43 East, Palm Beach County, Florida, described as follows:

BEGINNING on the Southerly right-of-way line of US. Highway No. 1 at Station P.C. 1180 X 23.1 which is a 3 inch iron pipe extending 6 inches above the ground as shown on an amended plat of Jupiter Inlet Estates, Inc., tiled in Plat Book 16, Page 25, in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida; thence Southwesterly at right angles with said right-of-way line of US. Highway No. 1 about 125 feet to the shore of Lake Worth Canal for Point "A" at the shore; thence back at point of beginning to start anew; thence South-Easterly along said Southerly right-of-way line of U.S. Highway No. 1, 88 feet to a 3 inch iron pipe at its intersection with the Westerly right-of-way line of Old Jupiter and Lake Worth Railway; thence Southeasterly along said right-of-way line 310 feet to an iron pipe (an iron fence was built along this line of which posts are still there); thence West about 80 feet to the shore of Lake Worth Canal; thence meandering said shore Northwesterly and Westerly to the before-mentioned point "A".

PARCEL III: A parcel of land in Section 31, Township 40 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

BEGIN at the intersection of the Westerly right of way line of State Road A-1-A with the South line of said Section 31, which for purposes of this description is assumed to bear due East; thence N 31° 22' 20" W, along said Westerly right of way line, a distance of 19.31 feet; thence S 79° 50' 00" W a distance of 145.37 feet; thence N 21° 52' 40" W a distance of 138.28 feet to the POINT OF BEGINNING; thence continue N 21° 52' 40" W a distance of 6.29 feet to the North line of the South 125.0 feet of said Section 31; thence due West, along said North line, a distance of 136.00 feet, more or less, to the waters of Jupiter River; thence Southeasterly, along said waters, to a line which bears S 87° 56' 33" W from the POINT OF BEGINNING; thence N 87° 56' 33" E a distance of 132.00 feet, more or less, to the POINT OF BEGINNING.

SUBJECT to all reservations, restrictions and rights-of-way of record.

PARCEL IV: A part of Lots 1, 2, 3, 4, 5, 6, & 7, Block 4, PLAT OF JUPITER, as recorded in Plat Book 1, Page 56, Palm Beach County, Florida Public Records, together with a part of Mercury Street, Jupiter Street and Juno Street as shown on said plat, together with a part of Section 6, Township 41 South, Range 43 East all of which is more particularly described as follows:

BEGIN at the intersection of the Westerly right-of-way line of State Road A-1-A with the line between said Section 6 and Section 31, Township 40 South, Range 43 East proceed N. 31° 22' 20" W, along said Westerly right-of-way line, a distance of 19.31 feet to the POINT OF BEGINNING; thence continue N. 31° 22' 20" W., a distance of 102.30 feet to the point of curvature of a curve in said right-of-way line concave to the Southwest and having a radius of 905.11 feet thence Northwesterly, along the arc of said curve, a distance of 355.97 feet to the West line of the Easterly 30.00 feet of Juno Street as shown on said plat; thence S. 21° 52' 40" E., along said West line, a distance of 402.13 feet; thence N. 79° 50' 00" E., a distance of 145.27 feet to the POINT OF BEGINNING.

Subject to all reservations, restrictions and rights-of-way of record.

PARCEL V: A portion of lands in Section 6, Township 41 South, Range 43 East and in Section 31, Township 40 South, Range 43 East, Palm Beach County, Florida which are described in Deed Book 670, Page 542, Deed Book 895, Page 635, Deed Book 895, Page 541, Deed Book 1012, Page 438 and in Palm Beach County Commission Resolution No. R86-1009 more particularly described as follows:

From the intersection of the Westerly right-of-way line of State Road A-1-A with the line between said Sections 6 and 31, which for purposes of this description is assumed to bear due East, proceed S. 79° 50' 00" W, a distance of 288.17 feet more or less, to the waters of Jupiter River and the POINT OF BEGINNING; thence N. 79° 50' 00" E., a distance of 288.17 feet to said intersection of the Westerly right-of-way line with the line between Sections 6 and 31; thence N 31° 22' 20" W., along said Westerly right-of-way line, a distance of 19.31 feet; thence S. 79° 50' 00" W, a distance of 146.27 feet; thence N. 21° 52' 40" W, a distance of 138.28 feet; thence S. 87° 56' 33" W, a distance of 132.42 feet to said waters of Jupiter River; thence Southeasterly, along said waters a distance of 114.35 feet, more or less, to the POINT OF BEGINNING.

Subject to all reservations, restrictions and rights-of-way of record.

Containing in all 1.60 acres, more or less.

96-119 |
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EXHIBIT B

VICINITY SKETCH

PALM BEACH COUNTY
VICINITY SKETCH / ZONING

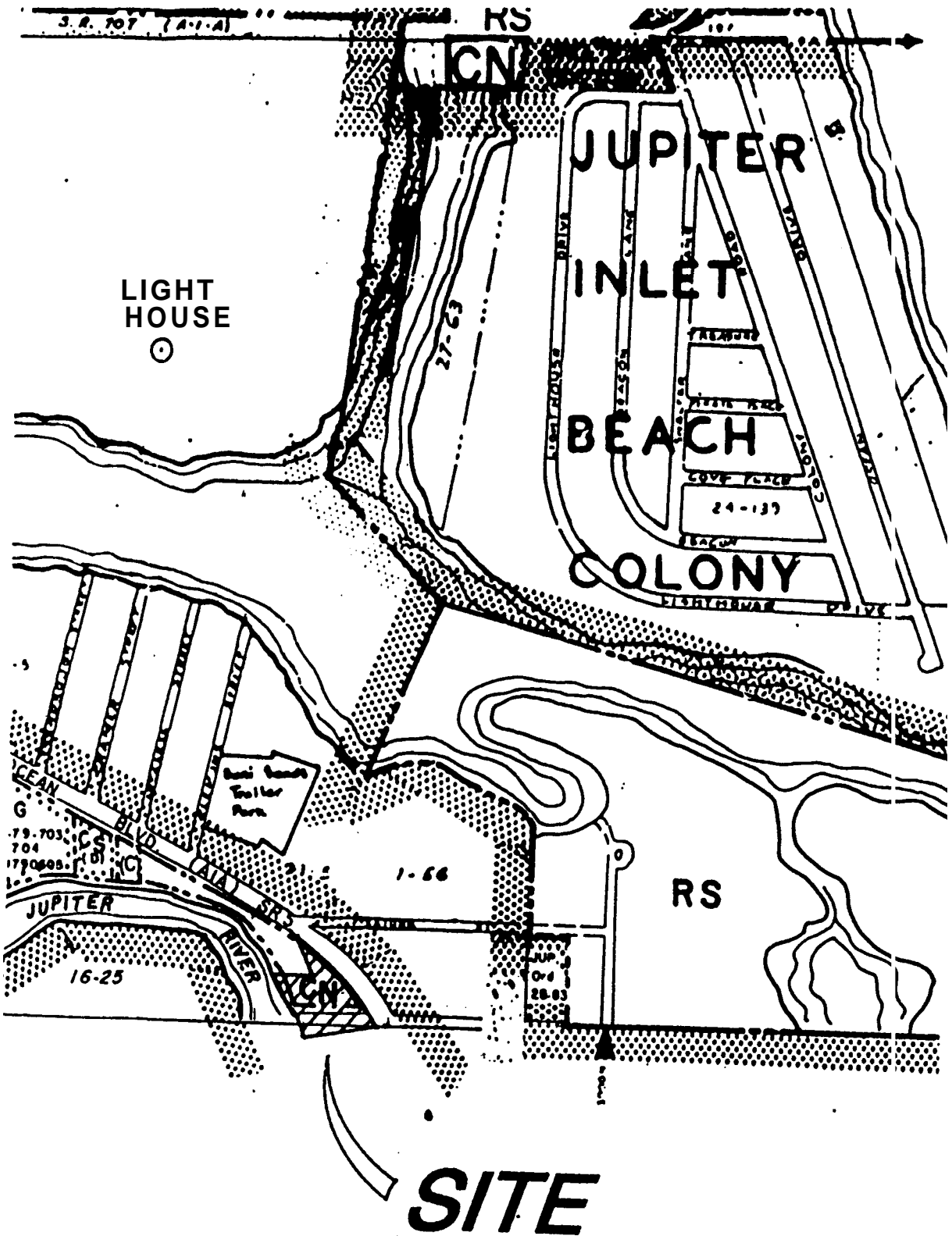


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated December 26, 1996. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONCING: ZONING)

B. ANNEXATION

1. Prior to receipt of a building permit, the property owner shall execute an agreement for voluntary annexation into the Town of Jupiter. Annexation to occur at the discretion of the Town of Jupiter. (BLDG PERMIT: PLANNING)

C. ARCHEOLOGICAL SURVEY

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall submit to the Planning Division an archaeological survey prepared in a professionally acceptable manner and directed by an archaeologist who meets the standards and qualifications for membership in the Society of Professional Archaeologists or the Florida Archaeological Council. The survey results shall be presented in the form of a written and graphic report that includes the assessment and recommendation(s) for any archaeological evidence found on the site. If significant archaeological evidence is found on the site, the petition shall be remanded back to the Board of County Commissioners prior to the issuance of further development approvals. (DRC: PLANNING)

D. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 22,500 square feet. (DRC: ZONING)
2. The maximum height for the proposed building shall be two story and not exceed twenty-five (25) feet, measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure. (CO: BLDG - Zoning)
4. Similar architectural character elements and roof treatment shall be provided on all sides of the building.
5. To ensure consistency with the site plan dated December 26, 1996 presented to the Board of County Commissioners, no more than ten (10) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING)

6. The dumpster area shall be roofed and screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure. (DRC/BLDG PERMIT: BLDG - Zoning)
7. The proposed convalescent/nursing facility building shall be designed and constructed to be consistent with the Angles Design Associates, Inc. elevation dated February 24, 1997. (BLDG PERMIT: BLDG - Zoning)

E. ENGINEERING

1. Prior to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County Land **Development Division** by road right-of-way warranty deed for State Road A1A, **40** feet from centerline along the project's entire frontage, 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. (BLDG PERMIT: **MONITORING/Eng.**)
2. Property owner shall fund the construction of a five (5) foot pedestrian pathway along the property's frontage within the right of way for Ocean Boulevard (SR A1A). Funding for this Pedestrian pathway shall be given to the Town of Jupiter prior to issuance of any building permits. Funding shall be based upon a certified cost estimate from the Developer's Engineer and approved by the Town of Jupiter. (BLDG PERMIT: MONITORING - Town of Jupiter)

~~A. Permits for the pedestrian pathway shall be obtained prior to building permits. (BLDG PERMIT: MONITORING/Eng.)~~

~~B. This construction shall be completed prior to the issuance of a certificate of occupancy (CO: Eng)~~

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Landscape Plan which incorporates existing native trees and all trees of specimen size shall be submitted to the Department of Environmental Resources Management for review and approval prior to site plan certification. (DRC: ERM)

G. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG NORTH AND SOUTH PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north and south property lines shall be upgraded to include:
 - a. A six (6) foot high black vinyl coated chain link fence;
 - b. Thirty-six (36) inch high evergreen hedge material installed on the exterior side of the fence to be maintained at a minimum height of seventy-two (72) inches;
 - c. The hedge/fence combination shall **be** terminate approximately thirty (30) feet from the west (Jupiter River) property line;
 - d. The hedge/fence combination may be field adjusted to avoid existing tree locations. (CO: LANDSCAPE)

I. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed **down** and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE EUF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall **be** extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. These lighting conditions shall not apply to proposed low voltage landscape type lights used for accenting plant materials. (ONGOING: CODE ENF)

J. SIGNS

1. **Signage** for the property shall be for entrance signs only and limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - two (2);
 - d. Style - monument style only;
 - e. Location - on both sides of entrance drive; and
 - f. No other signage shall be permitted on the property. (CO: BLDG)

K. TREE PRESERVATION

1. Prior to certification by the final Development Review Committee, the property owner shall indicate existing vegetation to be preserved **within** all perimeter **buffers**. Credit may **be** given for existing **or** relocated vegetation provided it meets current ULDC requirements. (DRC: ERM/LANDSCAPE)
2. Petitioner shall relocate proposed parking islands and minimize grade changes to incorporate existing significant vegetation to the maximum extent possible. (DRC: ERM/ LANDSCAPE)
3. A pre-clearing inspection shall be required prior to removal of any vegetation. All native vegetation within the **perimeter** landscape buffers shall

be identified and protective devices installed at the time of inspection. (BLDG PERMIT: LANDSCAPE / ERM)

4. The site shall be cleared of all prohibitive species prior to the issuance of the first building permit. (BLDG PERMIT: LANDSCAPE / ERM)
5. Protective barriers shall remain in place throughout the construction process and removed at the time of issuance of a Certificate of Occupancy. (CO: ERM/LANDSCAPE).

L. UNITY

1. Prior to ~~site plan certification by the Development Review Committee (DRC)~~ submittal for building permit, the petitioner shall record in the public record a unity of title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (~~DRC~~ BLDG PERMIT: ZONING - Co Att)

M. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop **work** order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standard; of the ULDC at the time of the finding of noncompliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)