

RESOLUTION NO. R-99- 96

RESOLUTION APPROVING ZONING PETITION EAC89-011(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF THE RICHMAN GROUP OF FLORIDA AND
RIVERVIEW HOUSE LTD PARTNERSHIP
BY ROBERT MCSORLEY, AGENT
(RIVERVIEW HOUSE)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 EAC89-011(A) was presented to the Board of County Commissioners at a public hearing conducted on January 28, 1999; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, 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 EAC89-011(A), the petition of The Richman Group of Florida and Riverview House Ltd Partnership, by Robert McSorley, agent, for a Development Order Amendment /Expedited Application Consideration (EAC) to delete Condition 13.b of Resolution R-89-1252 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 28, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	—	Absent
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus	—	Absent
Carol A. Roberts	—	Aye
Mary McCarty	—	Aye
Burt Aaronson	—	Aye
Tony Masilotti	—	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 28, 1999.

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

Petition EAC89-011(A)
Project No. 0737-000

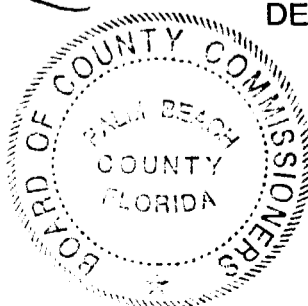


EXHIBIT A

LEGAL DESCRIPTION

TRACT 109, MODEL LAND COMPANY'S SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 5, PAGE 79, EXCEPT LAND CONVEYED TO LAKE WORTH DRAINAGE DISTRICT IN OFFICIAL RECORD BOOK 236, PAGE 219, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE WEST HALF (W 1/2) OF TRACT 110 OF MODEL LAND COMPANY'S SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA. IN PLAT BOOK 5, PAGE 79, LESS THAT PORTION OF SAID TRACT WHICH LIES WITHIN 40 FEET OF THE SOUTH LINE OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST.

SUBJECT TO ROAD RIGHT OF WAY OVER THE NORTH 25 FEET THEREOF AND TO ROAD RIGHT OF WAY OVER THE SOUTH 5 FEET THEREOF.

ALSO, SUBJECT TO LAKE WORTH DRAINAGE DISTRICT RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 38, PAGE 667, PALM BEACH COUNTY PUBLIC RECORDS.

CONTAINING 6.683 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

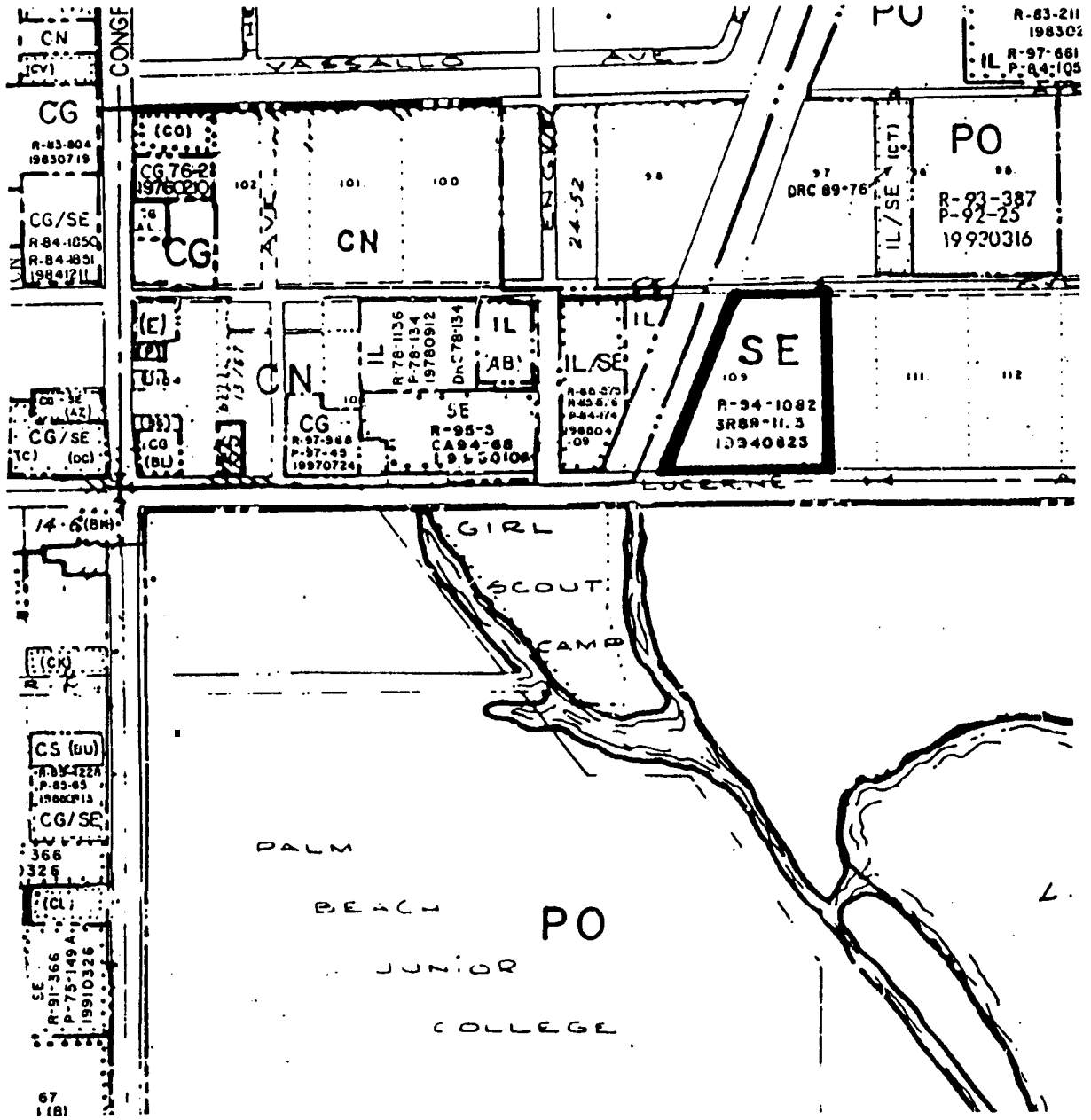


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-89-1252 (Petition 89-011) and R-94-1082 (Status Report SR89-011.3), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. 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 18, 1998. 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. (ONGOING: ZONING)
3. Resolution **No. R-81-212**, Zoning Petition **No. 81-4**, Special **Exception** to allow a Planned Unit Development is hereby repealed in its entirety. (Previously Condition 1 of Resolution R-89-1252, Petition 89-011)

B. BUILDING AND SITE DESIGN

1. Condition 2 of Resolution R-89-1252, Petition 89-011 which currently states:
Prior to certification, the site plan shall be amended to indicate:
 - a. Residential Multi-Family Conversion data including **required** parking, (with location shown graphically) and maximum permitted dwelling units.
 - b. Tabular information indicating number of residents, number of staff including live-in staff, open space calculations; and,
 - c. Access dimensions shall be clearly labeled.**Is hereby amended to read:**
Prior to certification, the site plan shall be amended to indicate:
 - a. Tabular information indicating number of residents, number of staff including live-in staff, open space calculations; and,
 - b. Access dimensions shall be clearly labeled. (DRC: ZONING)
2. The petitioner shall preserve or incorporate the Coconut Palm into the site design. (Previously Condition 3 of Resolution R-89-1252, Petition 89-011)

3. Condition 4 of Resolution R-89-1252, Petition 89-011 which currently states:

The site shall be limited upon conversion to the number of units permitted by the Zoning Code. In no case shall this number exceed **81** dwelling units.

Is hereby deleted. [REASON: Code requirement]

4. Use of the site shall be limited to a congregate living facility supporting a maximum of **195** residents, including live-in staff. (Previously Condition 2 of Resolution R-94-1082, Status Report SR89-011.3) (ONGOING: CODE ENF - Zoning)

5. **All** proposed outdoor lighting used to illuminate the premises shall be shielded, low intensity and directed away from adjacent residentially zoned property and shall not exceed fifteen (**15**) feet in height. (Previously Condition 6 of Resolution R-89-1252, Petition 89-011) (BLDG PERMIT: BLDG - Zoning)

C. HEALTH

1. Condition 8 of Resolution R-89-1252, Petition 89-011 which currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

Is hereby deleted. [REASON: Code Requirement]

2. Condition 9 of Resolution R-89-1252, Petition 89-011 which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

Is hereby deleted. [REASON: Code requirement]

D. SIGNS

1. Off-premises signs shall not be permitted on site. (Previously Condition 7 of Resolution R-89-1252, Petition 89-011) (BLDG PERMIT: BLDG - Zoning)

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 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. (Previously Condition 10 of Resolution R-89-1252, Petition 89-011)

2. Prior to Site Plan approval, the property owner shall convey to Palm Beach County Land Development Division by road **right-of-way** warranty deed for:

- a. **2nd** Avenue North, **40** feet from centerline
- b. Lake Worth Road, **55** 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. (Previously Condition 11 of Resolution R-89-1252, Petition 89-011) (ENG)

3. The petitioner shall revise the proposed Site Plan to:
 - a. Relocate the proposed access on Lake Worth Road to the east property line subject to approval by the County Engineer and **the** Florida Department of Transportation.
 - b. Eliminate the proposed **entrance/exit** adjacent to **Kellers Canal**. (Previously Condition 12 of Resolution R-89-1252, Petition 89-011) (DRC: ENG)

4. Condition 13 of Resolution R-89-1252, Petition 89-011 which currently states:

The Property owner shall construct:

- a. left turn lane, west approach and right turn lane, east approach on Lake Worth Road at the project's east entrance.
- b. left turn lane, east approach on **2nd** Avenue North at the **project's** east entrance

all concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a **Certificate of Occupancy**. Should construction permits for the required turn lanes on Lake Worth Road be unable to be obtained from the Florida **Department** of Transportation, then this petitioner shall be relieved from this obligation.

Is hereby amended to read:

The Property owner shall construct:

- a. left turn lane, west approach and right turn lane, east approach on **Lake** Worth Road at the project's east entrance.

all concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy. Should construction permits for the required turn lanes on Lake Worth Road be **unable** to be obtained from the Florida Department of Transportation, then **this** petitioner shall be relieved from this obligation. (ENG)

5. The petitioner 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 **\$18,083.00** (675 trips **X** \$26.79 per trip). (Previously Condition 14 of Resolution R-89-1252, Petition 89-011) (IMPACT FEE CORD)
6. The property owner shall convey to the Lake Worth Drainage **District** a **15** foot easement over Tract 109 for the required right-of-way for **Lateral Equalizing Canal No. 4**, by an Easement Deed in the form provided by said District within ninety (**90**) days of the approval of the Resolution approving this project. (Previously Condition 15 of Resolution R-89-1252, Petition 89-011) (ENG - LWDD)
7. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance **73-4** as amended. (Previously Condition 16 of Resolution R-89-1252, Petition 89-011) (PLAT: ENG)
8. In the event that the County Engineering requires a relocation or elimination of access onto both Lake Worth Road **and/or 2nd Avenue**, the petitioner shall redesign the site to satisfy all parking and landscape requirements. (Previously Condition 17 of Resolution R-89-1252, Petition 89-011) (ONGOING: ENG)

F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of **these** representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of **this** approval. (ONGOING: MONITORING - Zoning)
2. Condition 18 of Resolution R-89-1252, Petition 89-011 which currently states:

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 **my** 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.

Is hereby amended to read:

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; revocation of any concurrency; 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 standards of the ULDC 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; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC in response to any flagrant violation and/or continued violation of any condition of approval.

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)