

RESOLUTION NO. R-84-63

RESOLUTION APPROVING ZONING PETITION 83-107, Special Exception

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 83-107 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29th September 1983; and

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

1. The proposed density is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. By limiting the number of beds and restricting the overall height of the proposed nursing home, the proposed Special Exception is consistent with the Reserve Area designation and Zoning Code requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day September 1983, that Petition No. 83-107 the petition of TRACANA, INC., By William R. Boose, III, Esquire, FOR A SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT IN THE AG - AGRICULTURAL DISTRICT (Known as Southern Manor Golf Course) on a parcel of land lying in Sections 35 and 36; Township 46 South Range 41 East, being more particularly described as follows:

The East 1/2, of the Southeast 1/4, of said Section 35, together with all of Tracts 49 through 92 inclusive, Block 69, Palm Beach Farms Company Plat No. 3, in Section 36, Township 46 South, Range 41 East, as

Recorded in Plat Book 2, Pages 45 through 54 inclusive, together with all of the road rights of way, dedicated by said Palm Beach Farms Company Plat No. 3, being within said Block 69 and lying South of the Centerline, and extensions thereof, of the 30 foot said Palm Beach Farms Company Right-of-Way, North of and contiguous to said Tracts 49 through 60 inclusive. Less however the Right-of-Way for State Road No. 7 (U.S.441) as shown on State Road Department Right-of-Way Map, Project 5268, Sheet 2 of 8. Said property located on the northwest corner of the intersection of S.R.7 (U.S.441) and 180th Street South, approximately 1 mile north of Yamato Road Extension in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.
2. The developer shall provide the construction plans for S. R. 7 as 4-lane median divided section, compatible with the Department of Transportation typical section from South of Glades Road through Kimberly Boulevard to include the appropriate tapers, per the County Engineers approval. These plans shall be completed within six months of Special Exception approval or prior to the issuance of a Certificate of Occupancy, whichever first occurs.
3. The developer shall acquire 200 feet of right-of-way for S.R. 7 west of the west right-of-way line of Lake Worth Drainage District E-1 Canal, from south of Glades Road through Kimberly Boulevard including the appropriate tapers which will be required for the road construction for S. R. 7 as out lined in Condition No. 2 above. This right-of-way shall be acquired within 12 months of Special Exception approval, or prior to the issuance of a Certificate of Occupancy, whichever first occurs. Palm Beach County will acquire this right-of-way at the developer's expense.
4. The developer shall construct S.R. 7 as a 4-lane median divided section from Glades Road through Kimberly Boulevard to include the appropriate tapers, per the County Engineers approval. The construction shall include an asphalt overlay of the two existing lanes on S. R. 7, if required by the County Engineer. This construction shall be completed and accepted by the Florida Department of Transportation prior to the issuance of 50 Certificates of Occupancy or within two (2) years of Special Exception approval, whichever first occurs.
5. The developer shall construct at the project's entrance onto S.R. 7 concurrent with the filing of the first plat:
 - a) Right turn lane, north approach.
 - b) Left turn lane, south approach.
6. The developer shall install signalization at the intersection of S.R. 7 and the project's entrance when warranted as determined by the County Engineer, but shall be no later than five (5) years after the issuance of the final Certificate of Occupancy.

7. **The developer shall contribute Thirty Two Thousand One Hundred and Forty Three (832,143.. 00) Dollars toward the cost of meeting this project's direct and identifiable impact. The impact fee monies are to be used toward the construction program located within the project area. The money shall be in the form of a clean irrevocable letter of credit to Palm Beach County within ninety (90) days of Special Exception approval and may be called upon at any time thereafter.**
8. **Property owner shall convey, by either easement or deed, to the Lake Worth Drainage District, the 30' platted road right-of-way lying north of and adjacent to Tracts 49 to 60 inclusive, Block 69, Palm Beach Farms Company Plat No. 3 as required for the right-of-way for Lateral Canal 39-W, as well as the South 40.00 feet of Section 36/46/41 and the West 60.00 feet of the South Half of 36/46/41 and the East 60.00 feet of the South Half of Section 35/46/41 for the required right-of-way for Canal No. S-11.**
9. **The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.**
10. **The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.**
11. **The size of the nursing home shall be reduced to 100 beds. In addition, only residents of this development and their relatives may be treated in this facility which shall be operated as an integral part of this development pursuant to licensing as a life care facility by the Department of Health and Rehabilitative Services.**
12. **The developer shall preserve significant areas of native vegetation and all wet lands on the subject property.**
13. **The "Nursery/Maintenance" area shall be used in a manner accessory only to this development and shall not be used for any commercial activity. This area may be used for agricultural purposes consistent with providing open space and compatible with adjacent residential development.**
14. **The site plan shall provide for an alignment of roads and units that will protect property owners to the south from noise and lights.**
15. **If there is to be a convalescent facility it shall not exceed three stories, residences not to exceed two stories.**
16. **The property owner shall convey the ultimate right-of-way of S.R. 7, 240 feet west of the west right-of-way line of the Lake Worth Drainage District E-1 Canal, within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of first building permit.**
17. **The developer shall construct at the intersection of Clint Moore Road and S.R. 7 concurrent with the first plat a left turn lane, north approach and a left turn lane, south approach.**
10. **No residential structures shall be located closer than 50 feet from the south property line.**
19. **The West line of the maintenance area shall be established in a direct North/South alignment.**

Commissioner Bailey , moved for approval ,
of the petition. The motion was seconded by Commissioner Koehler
and upon being put to a vote, the vote was
as follows:

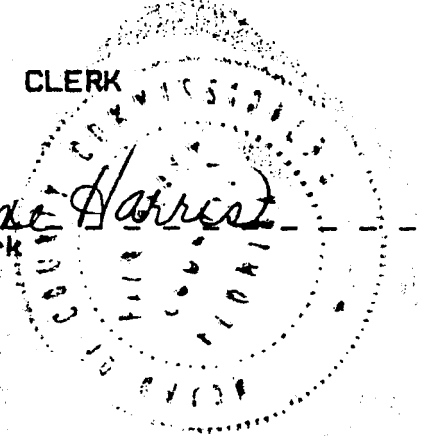
Peggy E. Evatt, Chairman	--	AYE
Ken Spillias, Vice Chairman	--	AYE
Dennis P. Koehler, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and
adopted this 10th day of Jan. , 1984 , confirming action of
29th September 1983 .

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Marlene Harris*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

John B. Babbitt
County Attorney