

RESOLUTION NO. R- 84-1308

RESOLUTION APPROVING ZONING PETITION 84-36, 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. 84-86 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 29th of June 1984; 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 proposal is consistent with the requirements of the Comprehensive Plan.
2. The proposal will, with some modifications to the site plan, meet the requirements of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 29th of June 1984, the petition of JANET J. GRAY AND ANN M. MASSINI By Paul G. Parker, Agent, for a SPECIAL EXCEPTION TO ALLOW AN ADULT CONGREGATE LIVING FACILITY on the South 1/2 of the following:

A parcel of land in Tract 33, Swan's Subdivision of Section 19, Township 44 South, Range 43 East, and recorded in Plat Book 6, Page 66, more particularly described as follows, to-wit:

Beginning at the point of intersection of the Southerly projection of the East right-of-way line of Rostan Lane with the South line of said Tract 33, as outlined in Plat Book 22, Page 14; thence running Northerly along said projection of said East

right-of-way line of said Rostan Lane, for a distance of 200.00 feet to a point; thence Easterly parallel to said South line of said Tract 33, for a distance of 201.42 feet to a point; thence Southerly, at an angle of 90 degrees, 15 minutes, 38 seconds (turned from West to South), for a distance of ~~200.00~~ feet to a point in said South line of said Tract 33; thence Westerly along said South line of said Tract 33, for a distance of 201.43 feet to the Point of Beginning. Said property located on the east side of Rostan Lane, approximately .2 mile south of 10th Avenue in an RM-Residential Multiple Family District (Medium Density), was approved as advertised subject to the following conditions:

1. Prior to certification of the site plan by the Site Plan Review Committee, the site plan shall be revised to reflect the following:

- a) landscaping as required by Ordinance 73-1 (the Landscape Code)
- b) 15 foot pavement width for the access to the parking area.

2. The development shall retain **onsite** 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.

3. The developer shall participate in Palm Beach County's street improvements program for Rostan Lane, when called upon.

4. The Developer 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. Presently The Fair Share Fee for this project is \$163.00.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee this amount shall be credited toward the increased Fair Share Fee.

5. Reasonable precautions shall be exercised during site development to insure that unconfined **particulates** (dust particles) from this property do not become a nuisance to neighboring properties.

6. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

7. Except for resident staff, occupancy shall be limited to persons over 55 years of age.

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

KEN SPILLIAS, CHAIRMAN	-- ABSENT
DOROTHY H. WILKEN, VICE-CHAIRMAN	-- AYE
PEGGY B. EVATT	-- AYE
DENNIS P. KOEHLER	-- AYE
BILL BAILEY	-- AYE

The foregoing Resolution was declared duly passed and adopted this ~~11<sup>th</sup>~~ day of *September*, 1984. confirming action of the 29th of June, 1984.

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

*R.W. Carlson Jr.*  
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COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS.

JOHN B. DUNKLE, CLERK

BY: *Darlene Harris*  
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DEPUTY CLERK