

RESOLUTION **NO.** R-85-26

RESOLUTION APPROVING ZONING PETITION 84-85, 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. 84-85 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd of August 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. With modification to the site plan to provide for required parking, the proposal will be consistent with 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 23rd of August 1984, that Petition **No.** 84-85 the petition of ROBERT G. SCHEMEL AND GERARD G. JANARO, for a SPECIAL EXCEPTION TO ALLOW AN ON SITE SEWAGE TREATMENT FACILITY AND A PLANNED RESIDENTIAL DEVELOPMENT on the North 680 feet of the Northeast 1/4 of the Southwest 1/4 of Section **14**, Township 46 South, Range 42 East, Less the West 177 feet thereof. Said property located on the west side of Sims Road, approximately .1 mile North of Atlantic Avenue (Delray West S.R.806). 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 amended to reflect:

- a) The required parking and provision for handicapped parking unless a variance from the Board of Adjustment is obtained. If this variance is obtained, the developer shall show on the approved site plan areas to be reserved for future parking which shall be constructed within **30** days of request by the County.
2. The developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction.
3. 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.
4. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
5. 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.
6. The property owner shall convey for the ultimate right of way of Sims Road, **80** feet west of the west right of way line of the LWDD **E-3** Canal within **90** days of adoption of the resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first building permit. This right-of-way dedication shall be from Delray West Road north to the project's north property line. Density credit for the south one-half of the original tract shall not be permitted unless the Capital Outlay Program right-of-way fund is reimbursed for the expenditures to the tract owner for the right-of-way easement given to the county over the south one-half of the original tract.
7. The developer shall construct concurrent with the improvements with the first plat:
 - a) Sims Road from the project's north property line to the entrance to High Point.
 - b) Turn lanes at the projects entrance road and Sims Road, turn lanes at Sims Road and West Atlantic Avenue.
 - c) **Sims Road as a 3 lane section from Delray West Road, north to the projects entrance Road.**
8. Design of the road drainage for Sims Road shall **accommodate** the runoff from the roads adjacent to this property and shall be subject to all governmental agency requirements.
9. Signalization when warranted as determined by the County Engineer at the intersection of Sims Road and West Atlantic Avenue.
10. "Cap" the existing bridge on West Atlantic Avenue at the LWDD **#-3** Canal. This shall be constructed concurrent with the improvements with the first Plat and shall be as per the County Engineer's approval as well as the Florida Department of Transportation requirement.
11. 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 **\$14,700.00**.
12. The developer shall plat the subject parcel per the requirements of the subdivision and plating Ordinance **73-4**, as amended.
13. All buildings within the proposed development shall be no

greater than two (2) stories in height.

14. Use shall be limited to an adult congregate living facility, as defined and licensed pursuant to currently applicable state statutes. Residency of the facility shall be limited to persons 65 years of age and older.

15. All graphics submitted by the petitioner before the Planning Commission and the Board of County Commissioners shall be made part of the official file.

16. A 6' landscaped berm shall be provided by the developer on the west side of the existing row of Australian pines shown on the site plan.

17. No buildings shall be placed west of the row of existing Australian pines.

Commissioner Wilkens, 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	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	ABSENT
Bill Bailey, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this day of January 8, 1985 confirming action of the 23rd of August 1984.

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

Sandy Sprague
County Attorney