

RESOLUTION NO. R-86-231

RESOLUTION APPROVING ZONING PETITION 85-139, Special Exception

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 1G3 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. 85-139 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th December 1985; 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 make the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 4th of December 1985, that Petition No. 85-139 the petition of KARL LINDROOS for a SPECIAL EXCEPTION TO ALLOW AN ADULT CONGREGATE LIVING FACILITY on all of Tract 115, Model Land Company's Subdivision, Section 20, Township 44 South, Range 43 East, recorded in Plat Book 5, Page 79, excepting so much as is now in use for public roads. All of that part of dry lake bed lying between Lot 115 and South line of Section 20, more particularly described as follows: Beginning at a point where the East line of Lot 115, produced South intersects South line of Section 20; thence Westerly along South line of Section 20 to a point where West line of Lot 115 produced South intersects South line of Section 20; thence Northerly along said West line of Lot 115 produced to Southwest corner of Lot 115; thence Southeasterly along South line of Lot 115 to Southeast corner of

same; thence Southerly along East line of Lot 115 produced to Point of Beginning, excepting therefrom so much as is now covered by public records, LESS the following; A tract of land 75 feet by 140 feet; Beginning at a point where the West boundary of Tract 115 projected Southerly would intersect State Road 174; thence running Northerly 140 feet; thence East 75 feet; thence South 140 feet; thence 75 West feet to the Point Of Beginning. Said property located on the north side of Lake Worth Road (S.K. 802), approximately 400 feet west of Arcand Street, and being bounded on the north by 2nd Avenue North in an RH-Residential Multiple Family District (High Dens'ity) was approved as advertised subject to the following conditions:

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
2. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
3. All facade(s) of the A.C.L.F. shall be given architectural treatment consistent with the front of the center to avoid an incompatible visual impact upon nearby residential development.
4. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8 a.m.
5. Security lighting shall be directed away from nearby residences.
6. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.
7. The property owner shall convey for the ultimate right of way of:
 - a) 2nd Avenue North, 48 feet from centerline
 - b) Congress Avenue, 54 feet from centerlineall within 90 days of adoption of the Resolution by the Board of County Commissioners; and conveyances must be accepted by Palm beach County prior to issuance of first Building Permit.
8. The property owner 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 \$9,886.00 (369 trips x \$26.79 per trip).
9. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.
10. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto 2nd Avenue North and a permit from the Florida Department of Transportation for access onto Lake Worth Road.
11. 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.

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

13. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

14. The petitioner shall comply with prospective amendments to the Landscape Code.

15. This A.C.L.F. shall be operated as a facility for persons over fifty-five years of age.

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

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 25th day of February, 1986 confirming action of the 4th December 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia A. Weaver
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Gruen
County Attorney