

RESOLUTION NO. R- 86-642

RESOLUTION APPROVING ZONING PETITION 86-26, Special Exception

WHEKEAS, 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

WHEKEAS, 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

WHEKEAS, Petition No. 86-26 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th February 1986; 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

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

1. With minor site plan modifications, this proposal will be 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 27th of February 1986, that Petition No. 86-26 the petition of HERITAGE PARK HEALTH CENTER, LTD., By Robert Schemel, Agent, for a SPECIAL EXCEPTION TO ALLOW AN ADULT CONGREGATE LIVING FACILITY on a parcel of land lying in the Southwest 1/4 of Section 14, Township 46 South, Range 42 East, being more particularly described as follows:

Beginning at the Southeast corner of the Lake Worth Drainage District easement (Parcel "A") as shown on the plat of Heritage Park, according to the plat thereof, as recorded in Plat book 52, Pages 75 and 76; thence, South 00 degree 06'28" West, along the East line of the said Southwest 1/4 of Section 14, a distance of 289.14 feet; thence, South 88 degrees 28'51" West, a distance of 120.06 feet to

the West Right-of-Way line for Sims Road; thence, North 00 degree 06'28" East, along the said West Right-of-Way of Sims Road, a distance of 149.08 feet; thence, South 88 degrees 28'51" West, a distance of 530.00 feet; thence, North 00 degree 06'28" East, a distance of 140.136 feet; thence, North 88 degrees 28'51" East, along the South line of the said Plat of Heritage Park, a distance of 650.06 feet to the Point of Beginning. Said property located on the west side of Sims Road approximately 3130 feet north of Atlantic Avenue (S.R. 806) was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:
  - a) required landscaping between the vehicular use areas and the abutting rights-of-way.
  - b) required landscaping between the vehicular use areas and the adjacent properties.
  - c) the location of at least one loading space.
2. Prior to site plan certification, a tree survey shall be submitted along with the site plan indicating areas of preservation of existing vegetation.
3. Security lighting shall be directed away from nearby residences.
4. Approval by the County Attorney of a cross-access agreement with the adjacent property to the north, prior to site plan certification.
5. Amend the approved site plan for the existing ACLF (Pet. No. 84-85) to indicate the location of the approved cross-access.
6. The developer shall preserve existing vegetation on the site and shall incorporate said vegetation into the project design. Appropriate measures shall be taken to protect these preservation areas during site clearing and construction.
7. 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.
8. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
9. 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.
10. There shall be no access permitted onto Sims Road.
11. 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 would presently be \$4,822.00 (180 trips X \$26.79 per trip).
12. Property owner shall file a boundary plat of the subject property per the County Engineers approval. This plat shall include, but not be limited to, a limited access easement along Sims Road.

13. 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.

14. This Adult Congregate Living Facility shall be limited to providing a residential environment for the elderly, with ancillary services.

15. The County shall have the right to inspect the building in the future to ensure proper maintenance and soundness.

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

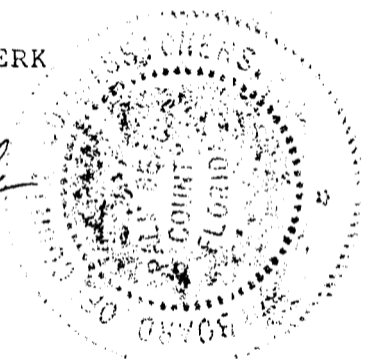
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT
Ken Adams, Chairman	--	AYE

The foregoing resolution was declared duly passed and adopted this 13th day of May, 1986 confirming action of the 27th February 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Henry [Signature]  
County Attorney