

RESOLUTION NO. R-89- 1252

RESOLUTION APPROVING ZONING PETITION NO. 89-11
SPECIAL EXCEPTION PETITION OF KARL LINDROOS

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. 89-11 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 10, 1989; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

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

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-11 the petition of KARL LINDROOS, for a SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT CONSISTING EXCLUSIVELY OF A CONGREGATE LIVING FACILITY TYPE 3 (MAXIMUM OF 270 RESIDENTS), WHICH EXTINGUISHES THE SPECIAL EXCEPTION FOR A PLANNED UNIT DEVELOPMENT (PETITION 81-4) on a parcel of land lying on Tract 109, Model Land Company's Subdivision of Section 20, Township 44 South, Range 43 East, Plat Book 5, Page 79; except land conveyed to Lake Worth Drainage District in Official Record Book 236, Page 219. The West 1/2 of Tract 110 of Model Land Company's Subdivision of Section 20, Township 44 South, Range 43 East, Plat Book 5, Page 79; Less that portion of said Tract which lies within 40.00 feet of the South line of Section 20, Township 44 South, Range 43 East. Subject to Road Right-of-way over the North 25.00 feet thereof, being located on the North side of Lake Worth Road (SR 802), approximately 350 feet east of Engle Road, in a RH-Multiple Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Resolution No. R-81-212, Zoning Petition No. 81-4,

Special Exception to allow a Planned Unit Development is hereby repealed in its entirety.

2. Prior to certification, the site plan shall be amended to indicate:
 - a. Residential Multi-Family Conversion data including required parking, (with location shown graphically) and maximum permitted dwelling units.
 - b. Tabular information indicating number of residents, number of staff including live-in staff, open space calculations; and,
 - c. Access dimensions shall be clearly labelled.
3. The petitioner shall preserve or incorporate the Coconut Palm into the site design.
4. The site shall be limited upon conversion to the number of units permitted by the Zoning Code. In no case shall this number exceed 81 dwelling units.
5. Use of the site shall be limited to a congregate living facility supporting a maximum of 300 residents, including live-in staff.
6. All proposed outdoor lighting used to illuminate the premises shall be shielded, low intensity and directed away from adjacent residentially zoned property and shall not exceed fifteen (15) feet in height.
7. Off-premises signs shall not be permitted on site.
8. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
10. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County

Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

11. Prior to Site Plan approval, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

- a. 2nd Avenue North, **40** feet from centerline
- b. Lake Worth Road, **55** feet from centerline

free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

12. The petitioner shall revise the proposed Site Plan to:

- a. Relocate the proposed access on Lake Worth Road to the east property line subject to approval by the County Engineer and the Florida Department of Transportation.
- b. Eliminate the proposed entrance/exit adjacent to Kellers Canal.

13. The Property owner shall construct:

- a. left turn lane, west approach and right turn lane, east approach on Lake Worth Road at the project's east entrance.
- b. left turn lane, east approach on 2nd Avenue North at the project's east entrance

all concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy. Should construction permits for the required turn lanes on Lake Worth Road be unable to be obtained **from** the Florida Department of Transportation, then this petitioner shall be relieved from this obligation.

14. The petitioner 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 **\$18,083.00 (675 trips X \$26.79 per trip)**.

15. The property owner shall convey to the Lake Worth Drainage District a **15** foot easement over Tract **109** for the required right-of-way for Lateral Equalizing Canal **No. 4**, by an Easement Deed in the form provided by **said**

District within ninety (90) days of the approval of the Resolution approving this project.

16. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
17. In the event that the County Engineering requires a relocation or elimination of access onto both lake Worth Road and/or 2nd Avenue, the petitioner shall redesign the site to satisfy all parking and landscape requirements.
18. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

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

Carol J. Elmquist, Chair	-- Aye
Ron Howard	-- Aye
Karen T. Marcus	-- Aye
Carole Phillips	-- Aye
Carol Roberts	-- Absent

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of March 10, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

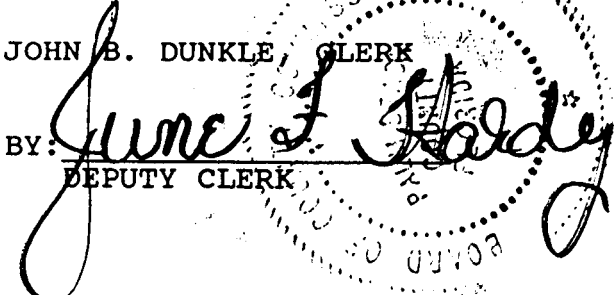
BY :


COUNTY ATTORNEY

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

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK