

RESOLUTION NO. R-89-1448

RESOLUTION APPROVING ZONING PETITION NO. 89-26
SPECIAL EXCEPTION PETITION OF
HEALTH CARE AND RETIREMENT CORPORATION

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 have been satisfied; and

WHEREAS, Petition No. 89-26 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 28, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

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

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition NO. 89-26 the petition of HEALTH CARE AND RETIREMENT CORPORATION, by Dennis P. Koehler, Agent, for a SPECIAL EXCEPTION TO PERMIT NURSING AND CONVALESCENT FACILITIES on a parcel of land lying: Parcel 1: Tract 54 of the Subdivision of Section 19, Township 45 South, Range 43 East, according to the Plat thereof recorded in Plat Book 7, page 19; and Parcel 2: The South 260.00 feet less the South 130.00 feet of Tract 53, in Section 19, Township 45 South, Range 43 East, according to the Plat thereof recorded in Plat Book 7, Page 19, being located on the south side of Old Boynton Beach Road, approximately .4 mile east of Lawrence Road

(40th Avenue South) in a RM-Multiple Family Residential Zoning District, was approved on April 28, 1989, as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. Labelling of all areas of vegetation preservation;
 - b. A minimum of 10 percent of the total floor area devoted to a common leisure area: and
 - c. Two (2) 12 foot by 30 foot loading berths.
2. Prior to the removal of any vegetation the petitioner shall schedule a preclearing inspection with the Zoning Division.
3. The developer shall preserve existing native vegetation on site and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable areas, retention areas, driveways and other vehicular use areas. The areas for preservation shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code during the site development and construction phase.
4. Off premise signs shall not be permitted on the site.
5. No outdoor loudspeaker system shall be permitted on site.
6. All lighting shall be of low intensity, shielded, and directed away from surrounding residential properties and rights-of-ways.
7. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within and enclosed loading and service area.
8. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.
9. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
11. 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.

12. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
 - a. Old Boynton Road, 40 feet from centerline; and,
 - b. Knuth Road, 30 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.
13. The Property owner shall construct Knuth Road (local street standards 2-10 travel lanes) from the south terminus of construction by Zoning Petition No. 89-12 to the south paved terminus at the Lake Worth Drainage District L-23 Canal including the appropriate canal crossing as determined by the County Engineer and Lake Worth Drainage District. The typical section for the road shall be approved by the County. This construction shall be concurrent with onsite paving and drainage improvements. Construction shall be completed prior to December 1, 1989 or prior to the issuance of a Certificate of Occupancy whichever shall first occur.
14. The Property owner shall convey to Palm Beach County within 90 days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Knuth Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Knuth Road. Said easements shall be no less than 20 feet in width. The drainage system

within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.

15. 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 **\$9,644.00** (360 trips X **\$26.79** per trip).
16. Prior to Site Plan certification the property owner shall verify a minimum of **45** feet in width (right of way or easement) for Knuth Road.
17. The petitioner shall submit all graphics presented to the commission as part of the official record prior to Site Plan Review Committee approval.
18. The petitioner shall relocate the facility to the north and east **to** further the preservation **of** the native slash pine community in the southern portion **of** the site. This community shall be accommodated to the greatest extent possible.
19. The petitioner shall install twelve **(12)** foot native canopy trees planted twenty **(20)** feet on center supplemented with a hedge planted four **(4)** feet in height spaced three **(3)** feet on center along the entire length of the western property line with alternative landscape strip number three. This hedge shall be maintained at a height of six **(6)** feet.
20. 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 adoption of the Resolution.

The motion was seconded by the Commissioner Howard and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared the resolution wa's duly passed and adopted this 1st day of August , 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

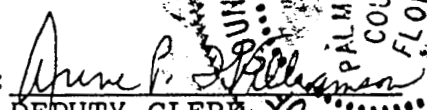
BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


DEPUTY CLERK

