

RESOLUTION NO. R-90-849

RESOLUTION APPROVING ZONING PETITION NO. 89-85(A)  
SPECIAL EXCEPTION PETITION OF DRAKE HOMES, INC.  
C. DARRELL DRAKE AND CAROL K. DRAKE  
BY KIERAN J. KILDAY, AGENT

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. 89-85(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 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. 89-85(A), the petition of DRAKE HOMES, INC., C. DARRELL DRAKE AND CAROL K. DRAKE, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO PERMIT GOVERNMENT SERVICES (STATE PROBATION AND RESTITUTION CORRECTIONAL FACILITY). THIS PETITION EXTINGUISHES THE SPECIAL EXCEPTION FOR A NURSING HOME (PETITION 79-86) on a parcel of land lying in the West 80.00 feet of the East 220.00 feet of Tract 27, Model Land Company's Subdivision of Section 20, Township 44 South, Range 43 East, as recorded in Plat Book 5, Page 29, less the North 375.00 feet, being located on the West side of Boutwell Road, approximately .05 mile North of 10th Avenue North, in the RH-Multiple Family Residential Zoning District, was approved on December 28, 1989 as advertised, subject to the following conditions:

1. Resolution 79-722 (Petition 79-86) is hereby, repealed in its entirety.
2. All required landscape and site design improvements shall be installed according to the approved site plan by April 1, 1990, or prior to commencing use of the facility, whichever shall first occur.

3. Prior to site plan certification the petitioner shall submit a landscape plan which conforms to minimum code requirements or any special conditions imposed.
4. **No** off premise signs shall be permitted on site.
5. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
7. Use of the site shall be limited to a Probation Center with a maximum of thirty-three (33) residents.
8. **A** solid six (6) foot wall shall be installed along the north property line and supplemented with one (1) native canopy tree planted every twenty (20) feet on center. The trees shall be a minimum of twelve (12) feet overall height at planting.
9. The northern most access drive shall be eliminated and the southern access drive and parking area expanded to accommodate the required loading area (as shown on the site plan).
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. Occupants of the facility shall be limited to first time offenders. The offenders shall not have committed any violent crimes or sex offenses. **No** habitual drug offenders shall be permitted.
12. The lease agreement with the Department of Corrections shall require that the Department of Corrections shall establish a seven (7) member citizen's advisory committee which includes members from the immediate neighborhood (within 1 and 1/2 miles of the facility). The advisory committee shall meet at a minimum of semi-annually. Until the advisory board is established, at least 2 supervisory personnel shall be on the premises 24 hours a day.
13. The petitioner will participate in a Crime Watch Program in this area.
14. The petitioner shall request increased patrol by local police departments of this neighborhood.

15. The local police departments may monitor and are encouraged to monitor the conditions of approval for this special exception.
16. The petitioner shall provide street lights at the northeastern and southeastern corners of the site. Street lights north **of** the facility shall be provided and funded by the petitioner along Boutwell Road at the discretion **of** the advisory board.
17. 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 Resolution.

The motion was seconded by Commissioner Roberts 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 was duly passed and adopted this- 22nd day of May, 1990.

APPROVED AS TO **FORM**  
AND LEGAL SUFFICIENCY

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

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK