

5/45/43

RESOLUTION NO. R-90- 1301

RESOLUTION APPROVING ZONING PETITION NO. **86-31(A)**
SPECIAL EXCEPTION PETITION OF
MERIDIAN PARK VILLAGE LIMITED PARTNERSHIP
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. 86-31(A) was presented to the Board of County Commissioners of Palm Beach County, sitting **as** the Zoning Authority, at its public hearing conducted on February **22**, **1990**; 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. 86-31(A), the petition of MERIDIAN PARK VILLAGE LIMITED PARTNERSHIP, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR SPORTSMAN CLUB PLANNED UNIT DEVELOPMENT TO PERMIT A CONGREGATE LIVING FACILITY TYPE III (**754** BEDS), AND NURSING HOME (**120** BEDS) on a parcel of land lying in the Northwest **1/4** of Section **5**, Township **45** South, Range **43** East; Commencing at the Northwest corner of said Section **5**; Thence South **00** Degrees **16'35"** East along the West line of said Section, a distance of **1539.94** feet; Thence North **89** Degrees **43'25"**, a distance of **50.00** feet to the intersection of the East line of Congress Road and the South line of Donnelly Drive, being the POINT OF BEGINNING; Thence Easterly along the said South line of Donnelly Drive by a curve concave to the Northwest having a radius of **1623.14** feet, a central angle of **09** Degrees **06'33"** for an arc distance of **258.05** feet; Thence South **07** Degrees **59'18"** West, a distance of **80.40** feet; Thence South **42** Degrees **42'25"** West, a distance of **161.85** feet; Thence South **16** Degrees **47'43"** West, a distance of **76.80** feet; Thence South **47** Degrees **17'35"** East, a distance of **28.00** feet; Thence North **89** Degrees **43'25"**

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East, a distance of 22.00 feet; Thence South 47 Degrees 05'53" East, a distance of 288.05 feet; Thence North 42 Degrees 45'32" East, a distance of 558.05 feet to a point in the West line of Lear Drive; Thence South 43 Degrees 14'28" East along the said West line of Lear Drive, a distance of 345.59 feet; Thence North 84 Degrees 17'21" East, a distance of 75.65 feet to a point in the East line of Lear Drive; Thence North 43 Degrees 14'28" West along the said East line of Lear Drive, a distance of 395.87 feet; Thence continue along the same North 48 Degrees 00'55" West, a distance of 234.02 feet to a point in a curve of the aforementioned South line of Donnelly Drive from which the radius point bears North 22 Degrees 47'10" West; Thence Easterly along the said South line of Donnelly Drive by said curve concave to the Northwest having a radius of 1,603.14 feet, a central angle of 04 Degrees 00'12" for an arc distance of 112.01 feet to a point of reverse curvature; Thence Easterly along the said South line of Donnelly Drive by a curve concave to the Southeast having a radius of 1596.55 feet, a central angle of 26 Degrees 21'10" for an arc distance of 734.32 feet; Thence continuing along the same North 00 Degrees 26'12" West, a distance of 10.00 feet; Thence continue along the same North 89 Degrees 33'48" East, a distance of 686.86 to a point in the West line of Hickam Street, thence South 06 Degrees 22'32" West, along the said West line of Hickam Street, a distance of 1,158.86 feet; Thence North 87 Degrees 21'28" East, a distance of 806.69 feet; Thence North 11 Degrees 29'32" East, a distance of 32.41 feet; Thence North 88 degrees 00'22" East, a distance of 88.86 feet; Thence South 09 Degrees 34'22" West, a distance of 414.27 feet to a point on the North line of the Lake Worth Drainage District Canal L-17; Thence South 87 Degrees 20'55" West, along the said North line of the Lake Worth Drainage District Canal L-17, a distance of 1359.71 feet; Thence continue along the same North 00 Degrees 16'35" West, a distance of 25.02 feet; Thence continue along the same South 87 Degrees 20'55" West, a distance of 1454.25 feet to a point in a curve of the East line of Congress Avenue; Thence Northerly along the said East line of Congress Avenue by said curve concave to the West, having a radius of 1960.08 feet, a central angle of 03 Degrees 45'27" for an arc distance of 128.54 feet to a point in the East line of Congress Road; Thence North 00 Degrees 16'35" West, along the said East line of Congress Road, a distance of 221.89 feet; Thence continue along the same North 87 Degrees 20'55" East, a distance of 17.21 feet; Thence continue along the same North 00 Degrees 16'35" West, a distance of 864.30 feet to the POINT OF BEGINNING; LESS Lantana Pines Plat No. 1, Plat Book 41, Page 45; ALSO LESS Lantana Pines Plat No. 2, Plat Book 45, Page 162; ALSO LESS Lantana Pines Plat No. 3; Commencing at the Northwest corner of said Section 5, thence South 00 Degrees 16'35" East, along the West line of said Section, a distance of 1539.94 feet; Thence North 89 Degrees 43'25" East, along the South right-of-way line of Donnelly Drive a distance of 50.00 feet to a point; Thence with a bearing of South 00 Degrees 16'35" East, a distance of 642.50 feet to a point, said point being the POINT OF BEGINNING. Thence North 89 Degrees 43'25" East, a distance of 32.50 feet; Thence with bearing of North 00 Degrees 16'35" West, a distance of 7.50 feet; Thence with a bearing of North 44 Degrees 43'25" East, a distance of 14.14 feet; Thence with a bearing of North 89 Degrees 43'25" East, a distance of 209.20 feet; Thence with a bearing of South 68 Degrees 41'14" East, a distance of 7.36 feet; Thence with a bearing of South 47 degrees 05'53 East, a distance of 49.91 feet; Thence with a bearing of South 08 Degrees 58'19" East, a distance of 30.87 feet; Thence with a bearing of South 38 Degrees 12'47" East, a distance of 67.45 feet; Thence with a bearing of South 47 Degrees 14'28" East, a distance of 383.94; Thence with a

bearing of South 02 Degrees 39'05" East, a distance of 30.78 feet; Thence North 87 Degrees 20'55" East, a distance of 20.00 feet; Thence South 02 Degrees 39'05" East, a distance of 65.00 feet; Thence South 87 Degrees 20'55" West, a distance of 20.00 feet; Thence South 02 Degrees 39'00" East, a distance of 85.27 feet to a point on the North right-of-way line of the Lake Worth Drainage District Lateral No. 17; Thence with a bearing of South 87 Degrees 20'55" West, along the North right-of-way line of the Lake Worth Drainage District Lateral No. 17 (said line lying 50.00 feet North of and parallel to the East-West 1/4 line of Section 5) a distance of 634.25 feet to a point on the Easterly right-of-way line of Congress Avenue; Thence with a curve to the left, along the East right-of-way line of Congress Avenue, having a chord bearing of North 05 Degrees 57'04" West, a radius of 1960.08 feet subtended by an angle of 03 Degrees 45'27", and an arc length of 128.54 feet to a point; Thence with a bearing of North 00 Degrees 16'35" West, a distance of 221.89 feet; Thence North 07 Degrees 02'55" East, a distance of 17.21 feet; thence North 00 Degrees 16'35" West, a distance of 221.80 feet more or less to the POINT OF BEGINNING; ALSO LESS, any portion of said lands included within the lands conveyed to Lantana Pines, Ltd., Official Record Book 3837, Page 471 and being located on the south side of Donnelly Drive, approximately .02 mile east of Congress Avenue in Sportsman Club Planned Unit Development in a RM-Multiple Family Residential Zoning District, was approved on February 22, 1990 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to Site Plan Review submittal, the Master Plan shall be amended to indicate:
 - A. Compliance with Zoning Code regulations and Property Development requirements.
 - B. Landscape Alternative No. 3 along Donnelly Drive from the entry drive for the project east to the eastern property line, along the entire length of Hickman Road and along the entire north property line of Pod #4 as shown on the Master Plan. Preserved or relocated vegetation shall be incorporated and credited towards Alternative P3 buffer requirements. All landscaping shall be provided on the eastern side of the lakes.
 - C. Prior to site plan approval, the petitioner shall submit:
 1. A tree survey at 50 scale or larger or an acceptable alternative to the Zoning Division and to The Department of Environmental Resources Management.
 2. A Landscape Betterment Plan that maximizes the preservation of existing vegetation. This plan shall relocate and cluster the multi-family CLF's and parking spaces to preserve additional vegetation, as necessary.
 - D. Native vegetation not located within preservation/relocation areas and deemed

relocatable by The Department of Environmental Resource Management, shall be relocated to perimeter buffers or other open space areas on site.

- E. A portion of the excess parking spaces shall be eliminated if deemed necessary by the Zoning staff in order to preserve native vegetation on site. Prior to site plan review submittal, the parking shall be reduced a minimum of forty **(40)** spaces from **540** to **500** spaces pending review by the Zoning staff of a tree survey or acceptable alternative to locate native vegetation.
- 3. Prior to commencing with vegetation removal operations or any land development permits, the petitioner shall:
 - A. Clearly identify and mark all trees to be preserved consistent with the approved Landscape Betterment Plan.
 - B. Install appropriate protective barriers around individual and groups of trees to be preserved.
 - C. **No** clearing shall commence until all protection devices are installed by the petitioner and inspected and approved by the Zoning Division.
 - D. A survey shall be preformed for the number of gopher tortoise burrows, and an estimate made of the population. The results of this survey and the plans to address the on-site tortoise population shall be submitted to the Department of Environmental Resources Management for approval prior to Site Plan certification. **An** on-site preserve shall be established in the area where the highest density of tortoise burrows occurs. The size of the preserve shall be based on one-half acre per tortoise. Off-site relocation of all or part of the tortoise population will be permitted with the approval of the Florida Game and Freshwater Fish Commission. **No** land clearing activities shall take place until the gopher tortoise population is relocated.
 - 4. Security lighting shall be low intensity and directed away from surrounding residences and rights-of-way through the use of side shields. Lighting fixtures shall not exceed twelve **(12)** feet in height.
 - 5. Use of the site shall be limited to a **120** bed - Nursing Home and a total of **754** bed - CLF Type 111, a maximum of three **(3)** stories in height.
 - 6. Twenty-five **(25)** percent of the scrub habitat and the scrubby flatwoods shall be preserved on site. The preserved habitat shall be a continuous parcel that could also serve as a preserve for the gopher tortoises.
 - 7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
 - 8. Water service is available to the property. Therefore,

no well shall be permitted on the site to provide potable water.

9. 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 on site 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.
10. A) Prior to July 1, 1990, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for a) Hickman Road, 30 feet from centerline and b) Donnelly Drive a total of **80 feet** as shown on the proposed plat 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.

B) The property owner shall provide a 15-foot drainage easement to be shown at the south side of property to serve Hickman Road. This easement shall expire after ten (10) years from the date of the Resolution approval if not required for a street improvement program.
11. The Property owner shall construct Donnelly Drive as a two (2) lane roadway (collector street standard two 12 foot travel lanes) from the project's entrance to Lear Drive. This construction shall be concurrent with the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
12. 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 Donnelly Drive along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Donnelly Drive. 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.

13. 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 \$105,710.00 (1,922 trips X \$55.00 per trip).
14. The property owner shall convey to the Lake Worth Drainage District the required right-of-way for Lateral Canal No. 17, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to June 1, 1990. This right-of-way shall be subject to a review of the applicant's field survey.
15. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4, as amended.
16. Condition No. 10 of Resolution No. R-86-859, which presently states:

"10. The property owner shall restrict the proposed 304 dwelling units to use as a residential environment for the retired and elderly."

is hereby deleted.
17. Condition No. 13 of Resolution No. R-86-859, which presently states:

"13. A maximum height of three (3) stories shall be permitted for the two 150-unit buildings."

is hereby deleted.
18. A management plan for the preserve area shall be submitted to the Department of Environmental Resource Management (ERM) for approval prior to site plan certification.
19. NO intrusion into preserve areas with utility lines shall be permitted except through existing utility easements.
20. Copies of all graphics presented at the public hearing shall be made part of the official Zoning Division record prior to Site Plan Review Committee Approval, Lakes and landscaping shall be provided as represented on these graphics (Exhibit 46).
21. Appropriate easements shall be conveyed to the Lantana Pines Homeowners Association at the time of platting so that irrigation facilities may be maintained.
22. The secondary access point to the nursing home facility shall be eliminated.

23. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
- a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by 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 was duly passed and adopted this 7th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

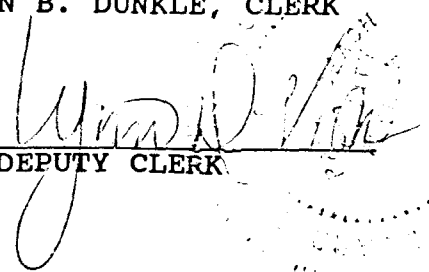
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK