

RESOLUTION NO. R-91-369

RESOLUTION APPROVING ZONING PETITION NO. 89-120(A)
SPECIAL EXCEPTION PETITION OF JOHN A. McCOY

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. 89-120(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on October 25, 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 the 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, Chapter 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. 89-120(A), the petition of JOHN A. McCOY, BY ANNA COTTRELL, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A CONGREGATE LIVING FACILITY AND NURSING HOME TO INCREASE THE BUILDING SQUARE FOOTAGE on a parcel of land lying on all of tract 8, Model Land Company Subdivision, lying on section 14, township 44, range 42, plat book 5, page 78. Less the east 15.00 feet for road right-of-way purposes, and being located on the W. SIDE OF HAVERHILL RD. BOUNDED ON THE S. BY LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 10, APPROXIMATELY 600 FT. S. OF CRESTHAVEN BLVD., in the RH Zoning District, was approved on October 25, 1990, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.

3. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners. Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section **402.7(E) 2** (b) (Site Plan Review Committee Powers and Standards of Review).

B. ENGINEERING

1. Approval of this project shall be limited to the following:
 - a. 80 beds - 31 dwelling unit adult congregate living facility; and
 - b. 120 bed nursing home.

Zoning Petition No. **89-120(A)** authorizes no increase in the adult congregate living facility or the nursing home beds.

C. ENVIRONMENTAL RESOURCE MANAGEMENT

1. The areas listed as preserve on the site plan shall be set aside as a preserve with intact canopy, understory and groundcover as a conservation easement, deed or other restriction or other means acceptable to the Department of Environmental Resources Management. No stormwater runoff in excess of pre-development levels or point source discharge shall be permitted through the preserve area.
2. A management plan for the preserve areas shall be submitted to Environmental Resources Management concurrent with the Site Plan Review application and approved by ERM prior to Site Plan certification.

D. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

E. PRESERVATION

1. The mitigation plan of 7/16/90 shall be shown on the site plan prior to Site Plan Certification. The site plan shall specify the location, number, size, species and disposition of all trees, on site to be planted, preserved or relocated.
2. An on site mitigation shall be approved by the Zoning Division prior to issuance of a certificate of occupancy for the site.

F. SITE DESIGN

1. Parking on site shall be reduced to a maximum of 100 spaces in order to allow for additional landscaping.

G. COMPLIANCE

1. 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 Foster moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	ABSENT
Carol A. Roberts	--	ABSENT
Carol J. Elmquist	--	ABSENT
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of March, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK