

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR **89-34**
TO AMEND CONDITIONS OF APPROVAL OF
RESOLUTION NO. **R-89-2229**
WHICH APPROVED THE SPECIAL EXCEPTION OF MICHAEL BENDE
PETITION NO. **89-34**

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section **402.9** of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, pursuant to Section **402.9**, Status Report SR **89-34** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at a public hearing conducted on August **27, 1992**; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has reviewed Status Report SR **89-34** and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section **402.9** of the Palm Beach County Zoning Code authorizes the Board of County Commissioners, sitting as the Zoning Authority, to add or modify conditions of approval; 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; and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

WHEREAS, Section **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 the recommendation of Status Report No. SR **89-34**, amending Conditions of Approval of Resolution No. **R-89-2229**, the Special Exception of Michael Bende, Petition No. **89-34**, which granted a Special Exception to permit a Planned Unit Development consisting exclusively of a Congregate Living Facility-Type 3 (Delray West CLF/PUD), on a parcel of land lying on Tract 1 consisting of the South **393.66** feet thereof, Section **20**, Township **46** South, Range **42** East, Palm Beach Farms Company Plat No. **1**, Plat Book **2**, Pages **26** through **28**, being located on the approximately **300** feet south of Delray West Road (SR **806**) and **0.75** of a mile east of Florida's Turnpike (Sunshine State Parkway), in a RM-Multiple Family Residential Zoning District (Medium Density), is approved, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

2. Condition number 3 of Resolution R-89-2229 which currently states:

Use of the site shall be limited to a Congregate Living Facility for a maximum of ninety-three (93) residents.

Is hereby amended to state:

Use of the site shall be limited to a Congregate Living Facility for a maximum of sixty-two (62) residents including resident staff.

Commissioner Roberts moved for approval of the Resolution.

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

KAREN T. MARCUS, CHAIR	--	Aye
CAROL J. ELMQUIST	--	Aye
CAROL ROBERTS	--	Aye
CAROLE PHILLIPS	--	Absent
MARY MCCARTY	--	Absent
KEN FOSTER	--	Aye
MAUDE FORD LEE	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 3rd day of November, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Bruce Allen*

MILTON T. BAUER, CLERK
BY: *Milton T. Bauer*

