

RESOLUTION NO. R-96-131

RESOLUTION APPROVING **ZONING** PETITION CA95-90
CLASS A CONDITIONAL USE
PETITION **OF** Robert F. Griffith, Jr. & Gene Moore, III
BY Kieran J. Kilday, AGENT
MARINER HEALTH CARE

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized **and** empowered to consider, approve, approve with conditions **or** deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA95-90 was presented to the Board of County Commissioners at a public hearing conducted on January 25, 1996; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.

6. This Class A Conditional Use meets applicable local land development regulations.
7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
 - a. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions **as** adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning **of** the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA95-90, the petition of Robert F. Griffith, Jr. & Gene Moore, 111, by Kieran J. Kilday, Agent for a Class A Conditional Use to allow a nursing facility or convalescent center, in the Single Family Residential (RS) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B attached hereto and made a part hereof, was approved on January 25, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Ken Foster	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

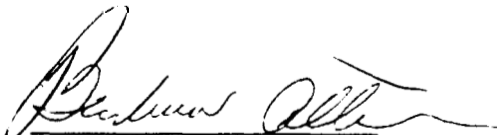
The Chair thereupon declared that the resolution was duly passed and adopted on January 25, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:




DEPUTY CLERK


EXHIBIT A
LEGAL DESCRIPTION

ALL OF BLOCKS 2, 3 AND 4, TOGETHER WITH THE SOUTH 20 FEET OF ABANDONED OBERON AVENUE, ALL OF ABANDONED PANDORA AVENUE, QUENTIN AVENUE; AND THE NORTH 20 FEET OF ABANDONED RUSKIN AVENUE LYING ADJACENT THERETO. AND THE AREAS MARKED RESERVED DITCHES LYING WITHIN SAID BLOCKS 2, 3, AND 4. ALL IN WEST BOYNTON PLAT NO 2C, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 14 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, LESS THE WEST 7 FEET THEREOF

(SECTION 19, TOWNSHIP 45 SOUTH, RANGE 43 EAST)
(PALM BEACH COUNN, FLORIDA)

9.8267 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

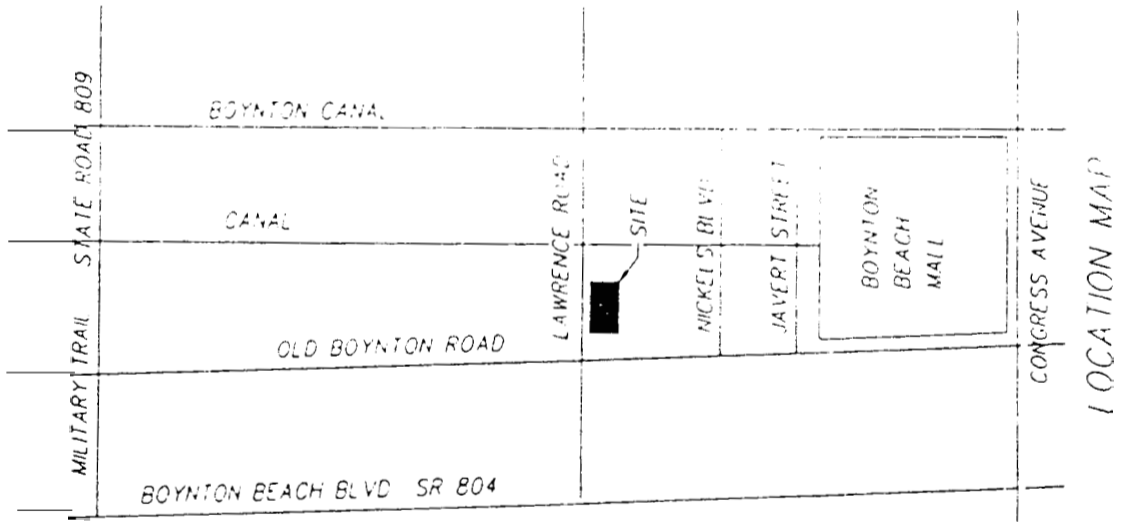
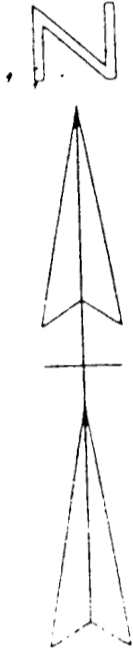


EXHIBIT C

CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

1. The facility shall be limited to a gross floor area of 85,000 square feet with a maximum increase of an additional 1000 square feet subject to Development Review Committee approval. (DRC: ZONING)
2. The minimum setbacks for the proposed facility shall be fifty (50) feet from the north, south and west property lines and one hundred (100) feet from the east property line. (DRC: ZONING)
3. The proposed facility shall be limited to a one story structure. (BLDG PERMIT: BLDG-Zoning)
4. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (CO: BLDG-Zoning)

B. SIGN

1. Proposed sign on Lawrence Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. Maximum sign face area per side - 60 square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only. (BLDG PERMIT: BLDG-Zoning)

C. LANDSCAPING ALONG WEST PROPERTY LINE (LAWRENCE ROAD) AND WEST THREE HUNDRED (300) FEET OF NORTH PROPERTY LINE

1. Petitioner shall install native evergreen species planted at an equivalent of one tree per twenty (20) linear feet of property line. Credit shall be given for existing trees provided they meet current ULDC requirements. (CO: LANDSCAPE-Zoning)
2. All trees required to be planted per this condition shall meet the following minimum standards at time of installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE-Zoning)

D. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENFORCEMENT-Zoning)

2. All outdoor lighting fixtures shall not exceed **twenty five (25)** feet in height, measured from finished grade to highest point. (CO: BLDG-Zoning)
3. All outdoor lighting shall **be** extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)

E. ENGINEERING

1. 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. 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 (BLDG. PERMIT: BUILDING - Eng).
2. Prior to January **25, 1997** 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 additional right-of-way for the expanded intersection at Lawrence Road and Old Boynton Road a maximum of **54.3** feet from centerline along the project's entire frontage, 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT; MONITORING/BLDG - Eng)
3. 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 to be paid at the time of issuance of the Building Permit **presently is \$25,740.00 (468 trips X \$55.00 per trip)**. (BLDG. PERMIT; IMPACT FEE COORDINATOR)
4. The Developer shall plat the subject property in accordance with provisions of Article **8** of the Unified Land Development Code. Plat shall be submitted prior to the issuance of Building Permit and shall be recorded prior to the issuance of a Certificate of Occupancy.
5. The Property owner shall construct a left turn lane on the north approach on Lawrence Road at the project's entrance road.

This construction shall be concurrent **with the** construction of the projects entrance road for the site. **Any** and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to issuance of **the** first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (PLAT: ENGINEERING - Engineering)

F. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC 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; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.
(MONITORING)