

RESOLUTION NO. R-96-534

RESOLUTION APPROVING ZONING PETITION CA95-117
CLASS A CONDITIONAL USE
PETITION OF DIOCESE OF PALM BEACH INC.
BY KEVIN MCGINLEY, AGENT
VILLA MADONNA

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 CA95-117 was presented to the Board of County Commissioners at a public hearing conducted on April 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.

NCW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA95-117, the petition of Diocese of Palm Beach Inc., by Kevin McGinley, Agent for a Class A Conditional Use (CA) to allow a Type III Congregate Living Facility in the Residential Multifamily Medium Density (RM) 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 April 25, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcis moved for the approval of the Resolution.

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

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

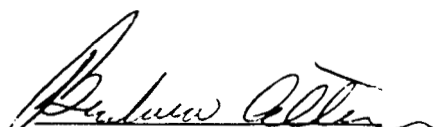
The Chair thereupon declared that the resolution was duly passed and adopted on April 25, 1996.

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

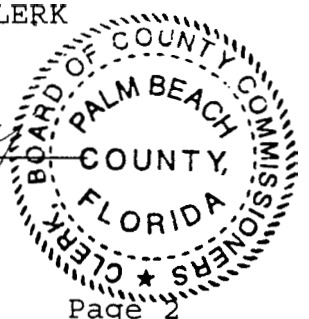


EXHIBIT A

LEGAL DESCRIPTION

(ENTIRE SITE)

Being a parcel of land lying in the S.E. 1/4 of the S.W. 1/4 of the S.W. 1/4 of Section 24, Township 44 South, Range 42 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

Commence at the Southwest corner of said Section 24, thence Easterly along the south line of said Section 24 a distance of 666.58 feet to the Southwest corner of the S.E. 1/4 of the S.W. 1/4 of the S.W. 1/4 of said Section 24; thence run Northerly along the West line of the S.E. 1/4 of the S.W. 1/4 of the S.W. 1/4 of said Section 24, through an angle of 89° 11' 43", as measured from the preceding course to the North, for a distance of 247.02 feet to the POINT OF BEGINNING of the following described parcel; thence continue Northerly along the West line of S.E. 1/4 of the S.W. 1/4 of the S.W. 1/4 of said Section 24 a distance of 422.28 feet; thence run Easterly along the North line of the S.E. 1/4 of the S.W. 1/4 of the S.W. 1/4 of said Section 24 through an angle of 89° 12' 44", as measured counterclockwise from the preceding course to the East, a distance of 666.26 feet; thence run Southerly along the East line of the S.E. 1/4 of the S.W. 1/4 of the S.W. 1/4 of said Section 24 through an angle of 90° 48' 52", as measured counterclockwise from the preceding course to the South, a distance of 422.48 feet; thence run Westerly, through an angle of 89° 10' 07" as measured counterclockwise from the preceding course to the West, a distance of 230.00 feet; thence run Southerly through an angle of 89° 10' 07", as measured clockwise from the preceding course to the South, for a distance of 200.02 feet to the Northerly right-of-wayline of Lake Worth Road; thence run Westerly through an angle of 89° 10' 07", as measured counterclockwise from the preceding course to the West, along the Northerly R/W line of Lake Worth Road a distance of 150.00 feet; thence run Northerly through an angle of 90° 49' 53", as measured counterclockwise from the preceding course to the North, for a distance of 200.02 feet; thence run Westerly through an angle of 90° 49' 53", as measured from the preceding course to the West, for a distance of 286.46 feet to the POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

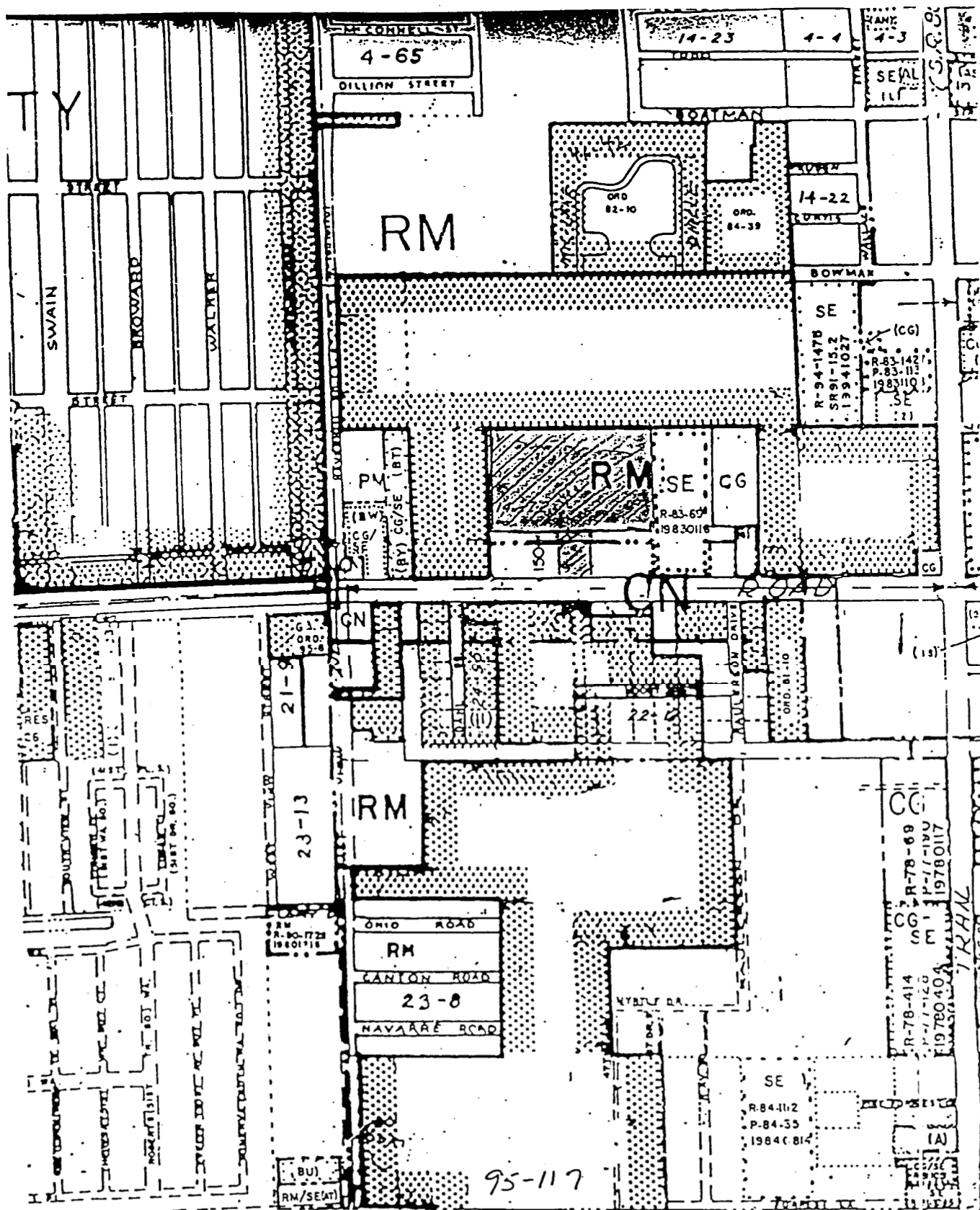


EXHIBIT C

CONDITIONS OF APPROVAL

A. LANDSCAPING - STANDARD

1. All trees required to be planted on site by this approval shall meet the following minimum standards at 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)
2. The applicant shall provide a minimum ten (10) foot landscape buffer around the perimeter of the site. The applicant may submit to the Zoning Division a Alternative Landscape Betterment Plan that integrates the required landscape buffer with the required preserve area. The preserve area shall include the existing Pine flatwood habitat as required by the Department of Environmental Resource Management. (DRC: ZONING: LANDSCAPE / ERM)

B. LANDSCAPING ALONG NORTH PROPERTY LINES (Exclusive of Preserve Areas)

1. Landscaping and buffering along the north property line shall be upgraded to include a six (6) foot high opaque fence or wall. (CO: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed alternating on both sides of the required fence:
 - a. One (1) canopy tree planted every twenty (20) feet on center; and,
 - b. One (1) palm tree or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees or pine trees may supersede the requirement for a native canopy tree in that location. (CO: LANDSCAPE - Zoning)
3. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches on the interior and exterior edge of the fence. (CO: LANDSCAPE - Zoning)

C. CONGREGATE LIVING FACILITY

1. The CLF shall be limited to a maximum of 106,114 square feet and 99 one (1) bedroom units. Gross floor area may be increased an additional 5% up to 1000 square feet, whichever is less, subject to Development Review Committee (DRC) approval. (DRC: ZONING)
2. The CLF shall limited to three stories with a maximum height of 45 feet. (BLDG PERMIT: BLDG - Zoning)
3. The minimum rear setback for the facility shall be one hundred (100) feet from the north property line. (DRC: 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)

D. UNITY

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. (DRC: CO ATTORNEY)

E. ENGINEERING

1. The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. The plat shall be recorded prior to the issuance of any building permits. (BLDG PERMIT: MONITORING - Eng)
2. Prior to Site Plan approval by the Development Review Committee, the property owner shall record a cross access agreement to the property to the east and west of the projects entrance along Lake Worth Road. This cross access agreement shall be subject to the approval by the County Attorney. (DRC: CO ATT / ENG)

F. 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 ENF - 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)

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)