

RESOLUTION NO. R-89- 353

RESOLUTION APPROVING ZONING PETITION NO. 88-3
SPECIAL EXCEPTION PETITION OF SEYBIL CORPORATION

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 88-3, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 24, 1988; and

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

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-3, the petition of SEYBIL CORPORATION, by David R. Carpenter, Agent, for a SPECIAL EXCEPTION TO PERMIT A CONGREGATE LIVING FACILITY - TYPE 3 on a parcel of land lying in Lot 6, according to the Plat of Haverhill acres, as recorded in Plat Book 20, Page 75, as in Section 26, Township 43 South, Range 42 East, located on the west side of Haverhill Road, approximately 186.30 feet south of Stacy Road, in a RH-Multiple Family Residential Zoning District (High Density), was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate:
 - a. Dimension lines for all site planning elements.
 - b. Required safe drop-off zone exclusive of required parking spaces and associated back-up distances

c. Required setbacks

2. The petitioner shall relocate the sign out of the easternmost landscape strip.
3. The petitioner shall provide a continuous pedestrian circulation system which will include sidewalks five (5) feet wide in front of all structures to allow adequate access. The site plan shall be amended to indicate all pedestrian circulation routes, handicap ramps, and appropriate handicap access to the central dining facility.
4. The petitioner shall remove the southern terminal island from the required drop-off area. This area shall be striped and clearly labelled on site as a drop-off area. No parking stalls shall be allowed in this area.
5. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
6. Because water service is available to the property, a well shall not be approved for potable water use.
7. The developer shall retain 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 onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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.
8. The property owner shall convey to Palm Beach County by road right-of-way warranty deed for Haverhill Road, 40 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments.
9. 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 \$4,661.00 (174 trips X \$26.79 per trip).
10. Failure to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

11. Maximum occupancy of the facility shall be limited to a maximum of fifty-eight (58) persons, including resident staff, for a density equivalent of 11.93 units per acre.
12. The development shall be limited to single story structures which shall not exceed thirty-five (35) feet in height.
13. Failure to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violation of the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Adams and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of March 24, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:

Susan Pulat
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

June J. Hardy
DEPUTY CLERK