

RESOLUTION NO. R-89- 710

RESOLUTION APPROVING ZONING PETITION NO. 88-101  
SPECIAL EXCEPTION PETITION OF  
The JEWISH FEDERATION OF PALM BEACH COUNTY, INC.

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. 88-101 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 25, 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. 88-101 the petition of The JEWISH FEDERATION OF PALM BEACH COUNTY, INC., by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT RECREATION FACILITIES, AMUSEMENTS AND ATTRACTIONS AND EXHIBITS, PUBLIC AND PRIVATE (DAY CAMP) INCLUDING AN EDUCATIONAL INSTITUTION (NURSERY SCHOOL) on a parcel of land beginning at the East 230.00 feet of the West 1/2 of Tract 10, Block 3, and also the West 340.00 feet of the East 890.00 feet of Tracts 11 and 18, Block 3, according to the Plat of Palm Beach Farms Company No. 3, in Section 29, Township 43 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54 inclusive.

Less, however, a parcel of land for road Right-of-way purposes situated in Tract 18, Block 3 of Palm Beach Farms Company, Plat No. 3 as recorded in Plat Book 2, Page 46, more particularly

described as follows:

All that portion of the West 340.00 feet of the East 890.00 feet of said Tract 18, lying Southerly of the Proposed North Right-of-Way line of Belvedere Road as shown on the Right-of-way map recorded in Road Book 4, Pages 96 to 102.

And, also less, however, the North 48 feet of said Tract 10, Block 3 for Right-of-way for Lake Worth Drainage District Lateral No. 2 Canal, being located on the north side of Belvedere Road, approximately 400 feet east of Benoist Farms Road Extension, in an AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
  - a. The tabular shall indicate the following additional information requested by staff;
    1. The required indoor square footage for each child;
    2. The required outdoor play area square footage for each child;
    3. Total number of staff members and children;
    4. The age category of children using the facility;
  - b. Label the twenty-five (25) foot access dimension;
  - c. The required trees for all terminal islands;
  - d. The minimum required trees to be preserved or planted; and
  - e. Label the six (6) foot fence surrounding the outdoor play area.
2. The applicant has submitted a complete Vegetation Removal Application, however, it does not indicate the proposed method of eradication of the prohibited species on site. A plan of eradication shall be submitted for staff's review.
3. The proposed drop-off area shall be redesigned and relocated to provide an adequate safe drop-off area for the day care facility adjacent to the proposed building which will not conflict with onsite vehicular circulation.
4. Provide adequate parking for buses, to be clearly

labelled and function with other onsite vehicular traffic and circulation.

5. The northern 6.97 acre parcel of this site shall be preserved as open space and labelled on the site plan. Any future development of this parcel will be required to meet Section 402.7 of the Zoning Code.
6. Petitioner shall record a Unity of Control on the entire property prior to site plan certification. The Unity shall be subject to approval by the County Attorney and County Engineer.
7. No outdoor loudspeaker system shall be allowed on site.
8. 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. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.
9. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Belvedere Road, a total of 120 feet of right-of-way on an alignment approved by the County Engineer. Petitioner 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
10. The property owner shall convey to Palm Beach County within 90 days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Belvedere Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Belvedere Road. **Said** easements shall be no less than 20 feet in width. The drainage

system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.

11. 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 \$4,225.00 (154 trips X \$26.79 per trip).
12. In addition the petitioner shall contribute the amount of \$227.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$227.00 shall be paid prior to the issuance of the first Building Permit.
13. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$227.00 shall be credited toward the increased Fair Share Fee.
14. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
15. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
16. 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.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Elmquist 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	--	Absent
Jim Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of August 25, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY :

*Barbara Altman*  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :

*June L. Hardy*  
DEPUTY CLERK

