

RESOLUTION NO. R-88-1 236

**RESOLUTION APPROVING ZONING PETITION NO. 85-171(B)
SPECIAL EXCEPTION PETITION OF ISLAND CSSOCIATES LTD.
AND THE PALM BEACH JEWISH COMMUNITY CAMFUS 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. 85-171(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 27, 1987; 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. 85-171(B) the petition of ISLAND ASSOCIATES LTD. AND THE PALM BEACH JEWISH COMMUNITY CAMPUS CORPORATION, by David DePaolo, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR A PLANNED UNIT DEVELOPMENT INCLUDING A PUBLIC RECREATIONAL FACILITY AND A CHILD DAY CARE CENTER PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-171(A) ON JANUARY 30, 1986 (R-86-573-11 ADOPTED ON APRIL 22, 1986), TO INCLUDE AN ADULT CONGREGATE LIVING FACILITY on a parcel of land situated in Section 13, Township 43 South, Range 42 East, being more particularly described as follows: The North 990.00 feet of the South 1320.00 feet of the Southwest 1/4 of said Section 13; Less Right-of-Way for State Road 809 (Military Trail) and Less Haverhill Road Right-of-Way TOGETHER WITH: the South 330.00 feet of the Southwest 1/4 of

said Section 13; Less the East 474.02 feet; Less the west 50.00 feet for Haverhill Road and Less Right-of-Way for 12th Street as shown in (Road Book 5, Page 124) (Official Record Book 2535, Page 151B), located on the northeast corner of the intersection of Haverhill Road and 12th Street and it is bounded on the east by Military Trail (SR 809) in an RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to master plan certification by the Site Plan Review Committee, the master plan shall be amended to indicate the following:
 - a. Required number of trees.
3. Condition No. 2 of Petition No. 85-171 (A), Resolution No. R-86-573-11, which states:

"2. The developer shall preserve existing vegetation where possible and incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect the preservation areas during site clearing and construction. "

is hereby amended to read:

- "2. The developer shall preserve existing vegetation as indicated on the master plan. Said vegetation shall satisfy Zoning Code Sections 500.35.F. 17 (Eradication Program For Prohibited Plant Species) and 500.36.D.3.b.(2)(b) (Protection of Groups of Trees or Vegetation). "
4. Since sewer service is available at the site, septic tank shall not be approved for use on said property.
5. Since public water service is available to the property, a well shall not be approved for potable water use on said property.
6. Condition No. 10 of Zoning Petition No. 85-171(A), Resolution No. R-86-573-11, which states:

"10. 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:

- a) Phase One - J.C.C. Recreation Area \$66,975.00 (2,500 trips X \$26.79 per trip).
- b) Phase Two - Dorfman Residential PUD \$202,608.00 (2,520 trips X \$80.40 per trips."

is hereby amended to read:

"10. 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:

- a) Phase One - Multiple Family Apartments = 8173.342.00 (2,156 trips X \$80.40 per trip).
- b) Phase Two - 109 tenant ACLF = \$9,430 (352 trips X \$26.79 per trip).
- c) Phase Three - J.C.C.. Recreation Area = \$66,975.00 (2,506 trips X 626.79 per trip).

7. Condition No. 11 of Zoning Petition No. 85-171(A), Resolution No. R-86-573-11, which states:

"11. Eased on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional \$134,792.00 toward Palm Beach County's existing Roadway Improvement Program. Total funds of \$404,375.00 are to be paid within 12 months of Special Exception Approval."

Is hereby amended to read:

"11. Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional \$124,874.00 toward Palm Beach County's existing Roadway Improvement Program. Total funds of \$374,621.00 are to be paid as followsr

- a) 3290,902. 00 is to be paid for western half of the F.U.D. within 12 months of Special Exception approval or prior to the approval of a site plan for either Phase 1 (multiple family apartments) or Phase 2 (ACLF) by the Site Plan Review Committee whichever shall first occur.
- b) \$83,719.00 is to be paid for the eastern half of the P.U.D. within 12 months of Special Exception approval or prior to the approval

of any site plan for Phase 3 (J.C.C. recreation areas) by the Site Plan Review Committee, whichever shall first occur.

8. Condition No. 14 of Zoning Petition No. 85-171 (A), Resolution No. R-86-573-11, which states:

"14. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:

No more than 528 building permits shall be issued until the contract has been let for 45th Street as a 4 lane section from I-95 to Haverhill Road plus the appropriate paved tapers. "

Is hereby amended to read:

"14. In order to comply with the mandatory traffic performance standards the property owner(s) shall be restricted to no more than 276 building permits for rental units until the contract has been let for 45th Street as a 4 lane section from I-95 to Haverhill Road plus the appropriate paved tapers.

There shall be no additional access from the proposed ACLF onto Haverhill Road. "

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	--	Absent
Carol J. Elmquist	--	We
Karen T. Marcus	--	We
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	We

The foregoing resolution was declared duly passed and adopted this 9th day of August, 1988 confirming action of July 27, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

FALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK

