

RESOLUTION NO. R- 85-1089

RESOLUTION APPROVING ZONING PETITION 85-50, Special Exception

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. 85-50 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd May 1985; 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, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 23rd of May 1985, that Petition No. 85-50 the petition of THE JEWISH FEDERATION OF PALM BEACH COUNTY, INC., By E. Drew Gackenheimer, Agent for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A NURSING AND CONVALESCENT FACILITY AND AN EDUCATIONAL INSTITUTION PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 79-206 AND 79-209, TO INCLUDE AN ADULT DAY CARE CENTER AND THE EXPANSION OF THE NURSING AND CONVALESCENT FACILITY on a parcel of land situated in Section 12, Township 43 South, Range 42 East, being more particularly described as follows:

The North 1/2 of the South 1/2 of the Northwest 1/4 of said Section 12, ~~LESS~~ therefrom the East 1408.36 feet, AND ALSO LESS; the West 1008.00 feet. Together with:

A parcel **of** land situated in Section 12, Township 43 South, Range 42 East, being more particularly described as follows:

The East 983.00 feet of the West 1008.00 feet of the North 1/2 **of** the South 1/2 of the Northwest 1/4 of said Section 12. Said property located on the east side of Haverhill Road approximately .6 mile north of Roebuck Road was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be amended to reflect the following:

a) a row **of** canopy trees (palms not included) 10-12' high planted 30 feet on center between the property line and paved area of the south parking lot in a landscape strip no less than 15 feet wide.

2. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

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

5. The development shall retain onsite **85%** of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.

6. The property owner shall convey for the ultimate right-of-way **of** Haverhill Road, **54** feet from centerline, approximately an additional 29 feet, within **90** days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

7. Developer shall plat the subject property prior to the issuance of a Building Permit per the County Engineer's approval.

8. The Petitioner shall provide Palm Beach County with a road drainage easement through this project's internal lake system to legal positive outfall for the road drainage of Haverhill Road. This drainage easement shall be subject to all governmental agency requirements.

9. The Developer 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. Presently, the Fair Share Fee for this project is \$30,406.00.

10. The use of this site shall be restricted to nursing and convalescent facilities and an adult day care center, and uses accessory to these principal uses.

11. No structures or parking shall be located within one hundred twenty (120) feet of the eastern property line of the site.

12. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

13. No structure on this site shall exceed four (4) stories in height.

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

Ken Adams, Chairman	-- AYE
Karen T. Marcus, Vice Chairman	-- AYE
Kenneth Spillias, Member	-- AYE
Jerry L. Owens, Member	-- ABSENT
Dorothy Wilken, Member	-- AYE

The foregoing resolution was declared duly passed and adopted this 23rd day of July confirming action of the 23rd May 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beupie
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Paul J. Meyer
County Attorney