

RESOLUTION NO. R-87-445

RESOLUTION WPROVING ZONING PETITION 86-128, 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

WHEREFIS, 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

WHEREFIS, Petition No. 86-128 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 23, 1986 and

WHEREFIS, 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

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

1. With required master plan modifications, this proposal will be 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 24th day of March, 1987, that: Petition No. 86-128, the petition of THE GOSPEL FISSOCIATION FOR THE BLIND, INC. FIND HERITIFIGE PFIRK OF WEST DELRAY, LTD., By Robert Schemel, Partner, for a SPECIFIL EXCEPTION TO DELETE A CHURCH FIND DORMITORY WITH FICCESSORY WILDINGS FIND STRUCTURES PREVIOUSLY FIPPROVED UNDER ZONING PETITION NO. 79-122, FIND TO ALLOW A PLCINNEED UNIT DEVELOPMENT on a parcel of land lying in the Southwest 1/4 of Section 14, Township 46 South, Range 42 East, being more

particularly described as follows: Commencing at the Southwest corner of said Section 14; thence North 1 degree 05'13" West, along the West line of said Section 14, a distance of 1343.36 feet to the Point of Beginning; proceeding thence North 1 degree 05'13" West, along the West line of said Section 14, a distance of 671.32 feet; thence North 88 degrees 21'47" East, a distance of 676.69 feet; thence South 0 degree 53'07" East, a distance of 237.33 feet; thence South 88 degrees 30'14" West, a distance of 187.92 feet; thence South 0 degree 59'09" East, a distance of 411.87 feet; thence North 88 degrees 38'43" East, a distance of 187.18 feet; thence South 0 degree 53'07" East, a distance of 25.00 feet; thence South 88 degrees 38'43" West, a distance of 674.28 feet. And Northwest 1/4 of Northwest 1/4 of Southwest 1/4 of Section 14, Township 46 South, Range 42 East. Said property located on the east side of Elenore Street, approximately 1,000 feet north of Atlantic avenue (S.R. 806) was approved as advertised subject to the following conditions:

1. Petitioner shall verify the status of the recreation area indicated on site plans for Villa Delray West as being within the boundaries of this development (Petition 75-151, Exhibit 66).
2. All property included in the legal description of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for: Formation of a single "master" property owner's association, and automatic membership in the "master" association by any party holding title to any portion of the property included in the PUD.
3. Prior to master plan certification, the master plan shall be revised to reflect a program for the eradication of all prohibited species.
4. Prior to master plan certification, the master plan shall be revised to reflect the planned unit development buffer areas as natural areas. Within these areas no native vegetation shall be removed. Development within these areas shall be subject to all conditions of both the tree protection manual for builders and developers and the vegetation protection code.
5. Prior to master plan certification, verification for the use of Via Flora shall be provided to the County Engineer.
6. Residents of the individual units within the PUD shall be limited to age 65 and over.

7. The developer shall meet the stormwater retention requirements in effect at the time of the permit application for the applicable drainage district however at a minimum. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. 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 to the satisfaction of the County Engineer, the matter shall be submitted to the Code Enforcement Board for review and possible citation.
8. The property owner shall convey for the ultimate right-of-way of El Clair Ranch Road, 54 feet from centerline within 90 days of the approval of the Resolution approving this project.
9. The property owner shall construct a left turn lane, south approach, on Via Flora Road at the project's entrance road concurrent with the construction of the project's road onto Via Flora.
10. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of El Clair Ranch Road along the property frontage and for a maximum 400 feet distance each side of the property boundary lines along El Clair Ranch Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff.
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 \$53,868.00 (670 trips X 880.40 per trip).

Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$13,467.00 toward Palm Beach County's existing Roadway Improvement Program- these total funds of \$67,335.00 are to be paid prior to the issuance of the first building permit or prior to July 1, 1987 whichever shall first occur. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$13,467.00 shall be credited toward the increased Fair Share Fee.

12. Prior to Master Plan Certification, the petitioner shall remove the existing tennis courts located on the southeastern portion of the site from the twenty-five (25) foot buffer or obtain variance relief from the Board of Adjustment.
13. Prior to Master Plan Certification all graphics presented at the public hearing shall be submitted to the Zoning Division and included in the official file,
14. The twenty-five (25) foot buffer shall include a minimum planting and berming treatment as depicted in the section presented at the public hearing. That portion of the berm

within the twenty-five (25) foot PUD buffer between El Clair Ranch Road and residences to the west shall be a minimum of six (6) feet in height planted with trees twelve (12) feet in height spaced a maximum twenty (20) feet on center.

15. The maximum height of the multifamily buildings shall be three (3) stories.
16. Prior to master plan certification, the petitioner shall amend the master plan to relocate the three (3) story building to the east so that it will be no closer than two hundred (200) feet from any residential structure on the adjoining lots.
17. The service area shall be screened from view of all residences. The service area for the three (3) story building shall be continuously maintained and kept free from trash.
18. The landscape buffer shall be continued and constructed along the east side of the lake between the building and the lake as far as the southern most edge of the building.
19. There shall be no access to the site from El Clair Ranch Road.

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

Karen T. Marcus	--	AYE
Jerry L. Owens	--	AYE
Ken Spillias	--	ABSENT
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	ABSENT

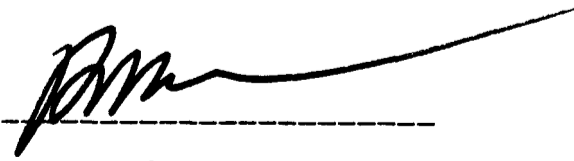
The foregoing resolution was declared duly passed and adopted this 24th day of March, 1987 confirming action of October 23, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jina M. Eldings
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



Petition No. 86-128

Page 4