

RESOLUTION NO. R-89- 751

RESOLUTION APPROVING ZONING PETITION NO. 84-139(A)
SPECIAL EXCEPTION PETITION OF WEST BOCA LIFE CARE
DEVELOPMENT COMPANY LTD. AND THE SOUTH COUNTY JEWISH FEDERATION

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. 84-139(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 29, 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. 84-139(A), the petition of WEST BOCA LIFE CARE DEVELOPMENT COMPANY LTD. AND THE SOUTH COUNTY JEWISH FEDERATION, INC., Russell C. Scott, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE MASTER PLAN FOR THE RAINBERRY PARK PLANNED UNIT DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 84-139 ON NOVEMBER 1, 1984 (RESOLUTION NO. 4-85-280 ADOPTED ON FEBRUARY 19, 1985) TO 1) INCREASE THE ACREAGE BY FIVE ACRES; AND 2) TO REDESIGN THE SITE, on two parcels of land lying in Section 19, Township 47 South, Range 42 East, being a portion of Block 78 of the Palm Beach Farms Company's Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54 being more particularly described as follows:

PARCEL 1

Beginning at the Northwest corner of Tract 42 of said Block 78; thence North 9 degrees 37' 02" East a distance of 2642.00 feet to the Northeast corner of Tract 37 of said Block 78; thence South 00 degrees 22' 58" East along the East line of Tracts 37 & 48 of said Block 78, a distance of 968.63 feet, thence South 89 degrees 37' 02" West, departing from the East line of said Tract 48 a distance of 931.55 feet, thence South 57 degrees 25' 43" West a distance of 255.35 feet the centerline of proposed Central Park Boulevard North and a point on a curve having a radius of 350.00 feet from which a radial line bears South 57 degrees 25' 43" West, Thence Northwesterly along the arc of said curve, subtending a central angle of 19 degrees 38' 39", a distance of 120.00 feet, thence North 37 degrees 47' 04" East departing from said proposed centerline, a distance of 392.06 feet; thence North 00 degrees 22' 58" West a distance of 272.24 feet; thence South 89 degrees 37' 02" West a distance of 458.56 feet; thence South 00 degrees 22' 58" East a distance of 505.65 feet to the proposed centerline of Central Park Boulevard North, thence along said proposed centerline the following five courses and distances 1) South 89 degrees 37; 02" West a distance of 223.09 feet to the beginning of a curve, having a radius of 393.81 feet from which a radial line bears South 00 degrees 22' 58" East, thence 2) Westerly and Southwesterly along the arc of said curve, subtending a central angle of 28 degrees 29' 44", a distance of 195.86 feet; thence 3) South 61 degrees 07' 18" West a distance of 198.25 feet to the beginning of a curve, having a radius of 393.81 feet from which a radial line bears North 28 degrees 52' 42" West, thence 4) Southwesterly and Westerly along the arc of said curve, subtending a central angle of 28 degrees 29' 44", a distance of 195.86 feet; thence 5) South 89 degrees 37' 02" West a distance of 415.01 feet to the West line of said Block 78; thence North 00 degrees 53' 32" West, along the West line of said Block 78, a distance of 1131.14 feet to the Point of Beginning.

TOGETHER WITH

PARCEL 2

All of Tract 36, of said Block 78, located on the east side of State Road No. 7 (U.S. 441), approximately .5 mile south of Glades Road (S.R. 808), 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, the master plan shall be amended to indicate the following:
 - a. The area of Cypress mitigation as specified in Condition No. 3, below.

- b. Acreage of the maintenance area and the proposed use.
 - c. Open space breakdown in the tabular data.
3. A representative of the petitioner, the Zoning Division, and South Florida Water Management District shall meet on site to define and determine the Cypress preservation boundaries on the west side of the Lake Worth Drainage District Lateral Canal No. 47. The boundaries shall be designated on the master plan. Intrusion into the area, other than for the removal of prohibited species, shall be limited to the one pedestrian link shown on the master plan. The removal of the Cypress on the east side of the L-47 Canal shall be mitigated by relocating the existing trees, or planting new Cypress near the entrance road. A report detailing the mitigation plan shall be submitted to the Zoning Division and approved as a supplement to the vegetation removal information simultaneously with the site plan review application.
 4. Since sewer service is available to the property, septic tank shall not be approved for use on said property.
 5. Since water service is available to the property, a potable water well shall not be approved for use on said property.
 6. 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 \$2,813.00 (105 trips X \$26.79 per trip).
 7. Prior to master plan certification, the petitioner shall convey to the Lake Worth Drainage District the West 45 feet of the subject property for the right-of-way for the E-1 Canal by Quit Claim Deed or an Easement Deed in the form provided by the District.
 8. All lighting shall be directed away from the adjacent residential area.
 9. Tennis court and baseball field lighting shall be extinguished by 11:00 P.M.
 10. The trees allocated to meet the minimum tree planting requirements within the active recreation area shall be distributed along the property lines adjacent to residential lots or residentially zoned property.

11. The petitioner shall preserve canopy and understory vegetation within the twenty five (25) foot buffer along the southern and western property lines on the five (5) acre outdoor recreation parcel.

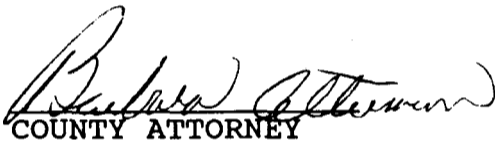
Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Elmquist and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of October 29, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

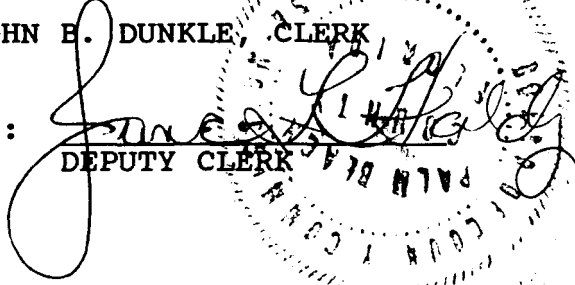
BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK