

RESOLUTION NO. R-2005-0383

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 1980-153K
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-2002-1471
WHICH APPROVED THE DEVELOPMENT ORDER AMENDMENT OF
JEWISH COMMUNITY CENTER
PETITION NO. 1980-153(K)

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Article 2.E. of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report CR 1980-153K was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on February 24, 2005; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 1980-153K and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

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

1. The Palm Beach County Land Development Division recommends approval of the amendment of condition number E.21.
2. There are existing easements of record which will conflict with the right-of-way dedication.
3. The easements create a need to modify the site plan pursuant to Article 7, Section 12 of the ULDC which states "Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a minimum of five clear feet for planting."

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. CR 1980-153K, to amend Conditions of Approval of Resolution No. R-2002-1471, the Development Order Amendment of the Jewish Community Center, Petition No. 1980-153(K), which reconfigured master plan, allowed general daycare and modified/deleted conditions of approval for property zoned Residential Single Family with a Special Exception for a Planned Unit Development

(Aberdeen PUD) on TRACT B, ABERDEEN PLAT 21, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 76, PAGES 138-139, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA., being located on the northeast corner of Jog Road and Gateway Boulevard, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number E.21. of Resolution No. R-2002-1471 which currently states:

The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

- a) Gateway Boulevard 71 ½ feet from Centerline; and
- b) Jog Road 64 feet from Centerline.

All right of way shall be conveyed on or before September 1, 2003 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be in accordance with Palm Beach County's Thoroughfare Right of Way Identification Map Expanded Intersection Details including "Corner Clips". Developer 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. (DATE/BLDG. PERMIT: MONITORING-Eng)

Is hereby amended to state:

The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

- a) Gateway Boulevard 71 ½ feet from Centerline; and
- b) Jog Road 64 feet from Centerline.

All right of way shall be conveyed on or before September 1, 2003 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be in accordance with Palm Beach County's Thoroughfare Right of Way Identification Map Expanded Intersection Details including "Corner Clips". Developer 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 except for the existing Florida Power and Light easement, general utility easement, and buffer easement. (DATE/BLDG. PERMIT: MONITORING-Eng)

3. Prior to the issuance of a building permit, the property owner shall amend the site plan to shift the buffer if the proposed easement encroachment into the required 20' landscape buffer exceeds 5'. The amendment shall ensure that a minimum of 15' of the required 20' landscape buffer remains clear of all encumbrances

In lieu of the site plan amendment the developer may seek relief from the maximum 5'

overlap by applying for a variance through the Board of Adjustment. (BLDG PERMIT: MONITORING - Zoning)

Commissioner Aaronson moved for approval of the Resolution.

The motion was seconded by Commissioner Greene and, upon being put to a vote, the vote was as follows:


TONY MASILOTTI, CHAIRMAN	—	Aye
ADDIE L. GREENE, VICE CHAIRPERSON	—	Aye
JEFF KOONS	—	Absent
WARREN H. NEWELL	—	Aye
MARY MCCARTY	—	Aye
BURT AARONSON	—	Aye
KAREN T. MARCUS	—	Aye

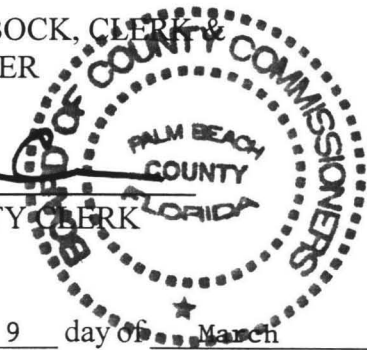
The Chair thereupon declared the resolution was duly passed and adopted this 24 day of February, 2005.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON R. BOCK, CLERK & COMPTROLLER
BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 9 day of March, 2005.