

RESOLUTION NO. R-2008- 0925

RESOLUTION APPROVING ZONING APPLICATION DOA-2007-994
(CONTROL NUMBER 1981-139)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF RUTH RALES JEWISH FAMILY SERVICE
BY LAND DESIGN SOUTH, INC., AGENT
(RUTH RALES FAMILY SERVICE)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA-2007-994 was presented to the Board of County Commissioners at a public hearing conducted on May 22, 2008; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) of the Palm Beach County Unified 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 Zoning Application DOA-2007-994, the application of Ruth Rales Jewish Family Service, by Land Design South, Inc., agent, for a Development Order Amendment to reconfigure the site plan and to add square footage on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on May 22, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	¥	Aye
Jeff Koons, Vice Chair	¥	Aye
Karen T. Marcus	¥	Aye
Robert J. Kanjian	¥	Aye
Mary McCarty	¥	Absent
Burt Aaronson	¥	Aye
Jess R. Santamaria	¥	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on May 22, 2008.

Filed with the Clerk of the Board of County Commissioners on 10 day of June, 2008.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK &
COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

From Survey:

Parcel A, "Oriole Jewish Center", according to the plat thereof, As recorded in plat book 46 at page 73 of the Public Records of Palm Beach County, Florida.

Said lands situate in Palm Beach County, Florida, and contain 5.96 Acres, more or less.

From Plat Book 46 Page 73:

A portion of Tract "A", PLAT NO. 1 VILLAGES OF ORIOLE, according to the plat thereof, as recorded in Plat Book 30, Pages 38, 39, and 40, of the Public Records of Palm Beach County, Florida, more particularly described as follows:

BEGIN at the Northeast corner of VILLAGES OF ORIOLE SHOPS, PLAT NO. TWO, as recorded in Plat Book 43, Page 104, of the Public Records of Palm Beach County, Florida; thence South 89° 40' 59" East, 127.67 feet; thence North 00° 19' 01" East, 364.93 feet to a point on the arc of a non-tangent curve, (radial line through said point bears North 21° 12' 33" East); thence southeasterly along the arc of said curve, being concave to the Southwest, having a radius of 960.00 feet, a delta of 15° 03' 29", an arc distance of 252.30 feet to a point of reverse curvature; thence southeasterly along the arc of said curve, being concave to the Northeast, having a radius of 540.00 feet, a delta of 25° 13' 17", an arc distance of 237.71 feet, (the last two (2) courses described being coincident with the southerly right-of-way line of South Oriole Boulevard as shown on the plat of DEAUVILLE VILLAGE VILLAGES OF ORIOLE A P.U.D., as recorded in Plat Book 36, Page 141, of the Public Records of Palm Beach County, Florida); thence South 00° 19' 01" West, 416.74 feet to a point on the North right-of-way line of Delray West Road; thence North 89° 40' 59" West along said North right-of-way line of Delray West Road; 565.42 feet to the Southeast corner of said VILLAGE OF ORIOLE SHOPS, PLAT NO. TWO plat; thence North 00° 19' 01" East along the East boundary of said plat, 264.96 feet to the POINT OF BEGINNING.

Said lands lying in Palm Beach County, Florida, containing 5.960 acres more or less.

EXHIBIT B
VICINITY SKETCH

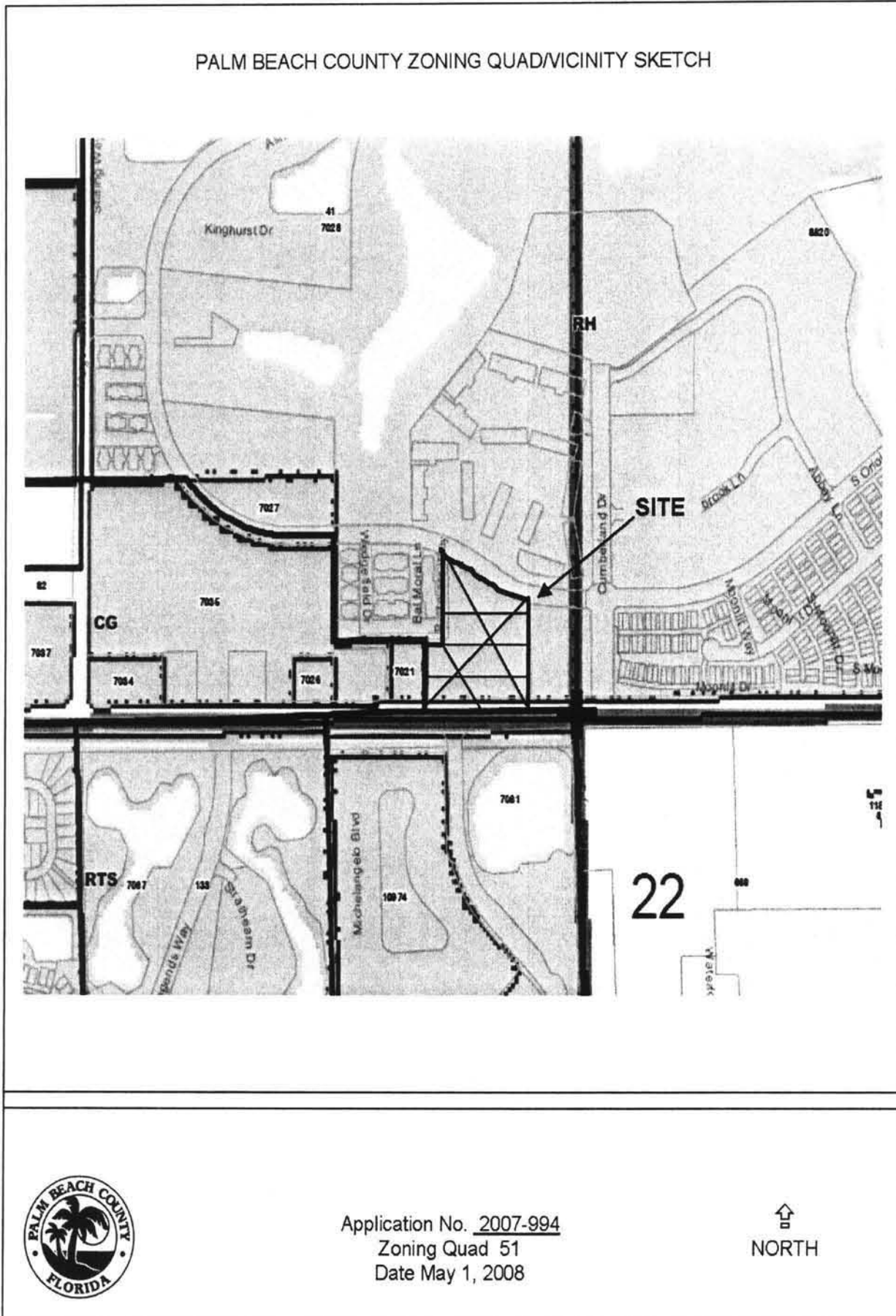


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution Nos. R-73-395 and R-83-607, Control No. 81-139, have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Site Plan is dated March 17, 2008. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for Building B shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. Required turning lanes shall be constructed by the developer prior to issuance of building permits. (Previous Conditions 1 of Resolution R-73-395, Control No. 81-139). (ONGOING: ENG – Eng)
2. The developer shall install traffic lights at no cost to the county and prior to filling succeeding plats, when there is a necessity, as determined by the County Engineer, for signalization of the project entrance road and Jog Road intersection with Delray West Road. (Previous Conditions 2 of Resolution R-73-395, Control No. 81-139). (ONGOING: ENG – Eng)
Note: Signal at the intersection of West Atlantic Avenue and Jog Road is complete.
3. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:
 - a. No Building Permits for the site may be issued after May 22, 2011. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
4. Landscape within the Median of West Atlantic Avenue
 - a. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of West Atlantic Avenue. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners

approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph d below. (ONGOING: ENG-ENG)

b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)

d. At property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: ENG - ENG)

e. Alternately, at the option of the property owner, and prior to the issuance of a building permit, the property owner may make a contribution to the County's Only Trees Irrigation And Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along West Atlantic Avenue. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENG - Eng)

5. Prior to issuance of a building permit the property owner shall provide a temporary roadway construction easement along West Atlantic Avenue to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County standards and codes. The property owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG. PERMIT: Monitoring-eng)

LANDSCAPE - STANDARD

1. Prior to the issuance of a building permit, the property owner shall submit a landscape plan and/or an alternative landscape plan to the landscape section for review and approval. The plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. All palms required to be planted on the property by this approval, shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE -Zoning)
3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)

4. Prior to the issuance of a building permit for the proposed non-profit assembly institution, the property owner shall replace all dead and missing plant materials on the entire subject property. (BLDG PERMIT: LANDSCAPE – Zoning)

USE LIMITATION

1. Notice of existence of antiquer's aerodrome shall be included in all sales contracts for units in the eight story buildings. (Previous Condition 2 of Resolution R-83-607, Control No. 81-139). (ONGOING: MONITORING-Zoning)

PALM TRAN

1. The location of an easement for a bus stop boarding and alighting area, subject to the approval of Palm Tran shall be shown on the master plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN - Palm Tran)
2. Prior to issuance of the first building permit, the property owner shall convey and/or dedicate to palm beach county an easement for a bus stop boarding and alighting area in a form with terms and conditions approved by palm tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents, as deemed necessary by Palm Tran is required. (PLAT: ENG - Palm Tran)

SIGNS

1. Freestanding signs fronting on West Atlantic Avenue shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point: five (5) feet;
 - b. Maximum sign face area per side: twenty-one (21) square feet;
 - c. Maximum number of signs (2); and,
 - d. Style - monument style only. (BLDG PERMIT: BLDG – Zoning)
2. No freestanding signs shall be permitted on oriole boulevard. (BLDG PERMIT: BLDG – Zoning)

COMPLIANCE

1. In granting this approval, the board of county commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the zoning commission for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a certificate of occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the official map amendment, conditional use, requested use, development order amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the uldc at the time of the finding of non-compliance, or the addition or modification of

- conditions reasonably related to the failure to comply with existing conditions;
and/or
- d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Board of Commissioners decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING – Zoning)

This resolution is effective when filed with the clerk of the board of county commissioners.