

RESOLUTION NO. R- 85-583

RESOLUTION APPROVING ZONING PETITION 84-195, 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. 84-195 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th January 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. The proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. The petitioner has voluntarily agreed to provide to the School Board of Palm Beach County, \$21,000.00 representing \$250.00 for each of the 84 dwelling units in the subject PUD. These funds shall be used by the School Board of Palm Beach County for school site acquisition and/or site related improvements, to alleviate schools serving the area of Palm Beach County in which the PUD is located. Payment shall be made in full to the School Board of Palm Beach County at time of issuance of the first residential building permit within the PUD.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 4th of January 1985, that Petition No. 84-195 the petition of BOCA RIDGE PROPERTIES OF BOCA RATON, LTD., By Fred C. Cohen, Esquire, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on all of Tracts 89, 90 and 91, Block 79, "Palm Beach Farms Company Plat No. 3," in Section 20, Township 47 South, Range 42 East, as recorded in Plat Book 2, Page 53, less the South 240 feet

thereof; together with all that portion of Tract 88, of said Block 79, lying West of the West right-of-way line of the Florida State Turnpike, less the East 60 feet and the South 240 feet thereof; and also together with all that portion of the 30 foot road right-of-way lying North of and adjacent to said Tracts. Less the West 347.98 feet of the North 1/2 of said 30 foot Road. Said property located on the southwest corner of the intersection of Boca Lago Boulevard and Boca Rio Road in an RS-Residential Single Family District was approved as advertised subject to the following conditions:

1. 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.
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. 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.
5. The property owner shall convey for the ultimate right of way of Boca Rio Road, 80 feet west of the existing east right of way line of Boca Rio Road, approximately an additional 20 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.
6. The developer shall construct, concurrent with the filing of the first plat, a Left Turn Lane, East Approach, on Boca Lago Boulevard at the project's entrance.
7. 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 \$16,800.00.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount shall be credited toward the increased Fair Share Fee.

8. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$42,000.00 toward Palm Beach County's existing Roadway Improvement Program, to be paid within 6 months of the approval date by the Board of County Commissioners.

Commissioner WILKENS, 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 Spillias, Chairman -- AYE
Dorothy Wilkens, Vice Chairman -- AYE
Kenneth M. Adams, Member -- AYE
Karen T. Marcus, Member -- AYE
Jerry L. Owens, Member -- AYE

The foregoing resolution was declared duly passed and adopted
this 9th day of April confirming action of the 4th January
1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Holm
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Payne
County Attorney