

RESOLUTION NO. R-85-1227

RESOLUTION APPROVING ZONING PETITION 85-54, 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. 85-54 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th June 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. Petitioner has voluntarily agreed to provide the School Board of Palm Beach County \$52,000.00 representing \$250.00 for each of the 210 dwelling units in the subject development. 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 P.U.D. **is** located.
3. 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** P.U.D..

NOW, THEREFORE, BE IT RESOLVED **BY** THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of June 1985, that Petition No. 85-54 the petition of MICHAEL BENDE for a SPECIAL EXCEPTION TO ALLOW A PLANKED UNIT DEVELOPMENT on Tracts **2, 3, 30, 31, 32, 33, 34, 35, 62, 63** and **64**, Section 20, Township 46 South, Range 42 East, of the Plat of Palm Beach Farms Company, Plat No. 1 as recorded in Plat Book 2, Pages 26 to 23 inclusive. LESS:

That certain parcel of land taken by the Florida State Turnpike Authority being more particularly described in the minutes of the Circuit Court Book 68, Page 526. Said property located on the south side of Delray West Road, being bounded on the west by the Florida Turnpike (Sunshine State Parkway) and being bounded on the east by the Lake Worth Drainage District Equalizing Canal No. 8 was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be revised to include:

a) Unit type description per section 402.7 (Site Plan Review Committee).

b) Creation of additional parcel(s) to the proposed "Parcel A" for multi-family residences in order to aid in regulating the phases of development. If Parcel A is to be developed in phases, the Master Plan shall delineate this.

c) Conceptual layout of the proposed pedestrian systems.

d) Abandonment of 30 foot plated road running east-west through the site.

2. Access to Parcels B and C (Single Family Attached Unit Types) shall be from a service drive separate from the primary P.U.D. loop roadway system to reduce the impact of vehicular traffic upon single family attached residences.

3. 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.

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 Delray West Road, 60 feet from centerline, approximately 7 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 Property owner shall align the project's entrance with the entrance to the Florida Turnpike, this shall be accomplished by this developer acquiring the adjacent property to the east or by reconstructing the Turnpike entrance per the Florida Department of Transportation & County Engineers approval.

7. The Property owner shall construct concurrent with the construction of the projects entrance road onto Delray West Road:

a) Left Turn Lane East Approach and Right Turn Lane West Approach.

b) Signalization modifications as required by the County Engineer.

8. The Property owner shall provide Palm Beach County with a road drainage easement with sufficient retention/detention capacity through this project's internal lake system to legal positive outfall for the road drainage of Delray West Road. This drainage easement shall be subject to all governmental agency requirements.

9. 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. Presently, the Fair Share Fee for this project is \$114,650.

10. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$28,663 toward Palm Beach County's existing Roadway Improvement Program, these total funds (\$143,313) to be paid prior to the issuance of the first Building Permit however in case later than January 1, 1986.

11. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount \$28,663 shall be credited toward the increased Fair Share Fee.

12. The petitioner shall convey to the Lake Worth Drainage District that portion of the subject property lying within the East 70 feet of Section 20-46/42, for the required right-of-way for Equalizing Canal No. 2-E, by quit claim deed or an easement deed in the form provided by said district, within 90 days of adoption of the resolution by the Board of County Commissioners.

13. The Property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Delray West Road.

14. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

15. Property owner shall convey an access easement to the public for the property owners to the south and east per the County Engineer's approval. This property owner shall also pave this easement per the County Engineer's approval. Construction may be phased concurrent with the filing of the plats. The access easement shall be recorded prior to Site Plan Certification of the Master Plan.

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

Ken Adams, Chairman	-- Aye
Karen T. Marcus, Vice Chairman	-- Aye
Kenneth Spillias, Member	-- Aye
Jerry L. Owens, Member	-- Aye
Dorothy Wilken, Member	-- Aye

The foregoing resolution was declared duly passed and adopted this 13th day of August confirming action of the 27th June 1985.

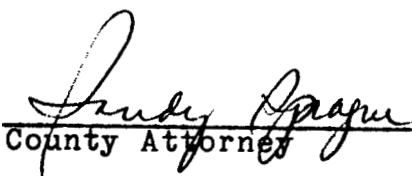
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupre
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney