

RESOLUTION NO. R- 86-573-11

RESOLUTION APPROVING ZONING PETITION 85-171(A), 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. 85-171(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th January 1986; 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 Eoard 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. The area in which the subject Petition 85-171 is located has a major deficiency of public schools. The closest elementary school, Military Trail Elementary, is currently 100+ students over capacity. In addition, this school has been recommended by the State Department of Education to be phased out and replaced with a new facility.
3. The nearest middle school and high schools are located on the east side of 1-95.
4. The School Board of Palm Beach County has demonstrated that the schools serving the Petition 85-171 are operating at or above capacity. In efforts to alleviate overcrowding and to house additional students generated by new residential growth, the petitioner has voluntarily agreed to participate in the School Board's Site Acquisition Program by contributing \$250.00 for each dwelling unit within the subject development. Funds will be used by the School Board for the acyuisition of sites, and/or the construction of facilities serving subject petition.
5. Payment shall be due the School Board of Palm Beach County in accordance to formal agreement between School Board and petitioner.

6. Petitioner shall enter into formal contract with school Board of Palm Beach County to assure timely payment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 30th of January 1986, that Petition No. 85-171(A) the petition of MARK B. DAVIS, TRUSTEE By Kenneth Kruger, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT, INCLUDING PUBLIC RECREATIONAL FACILITIES AND A CHILD DAY CARE CENTER on a parcel of land situate in Section 13, Township 43 South, Range 42 East, being more particularly described as follows:

The North 990.00 feet of the South 1320.00 feet of the Southwest 1/4 of said Section 13; LESS Right-of-way for State Road 809 (Military Trail) and ~~LESS~~ Haverhill Road Right-of-Way.

Together With:

The South 330.00 feet of the Southwest 1/4 of said Section 13; ~~LESS~~ the ~~East~~ 474.82 feet; LESS the West 50.00 feet for Haverhill Road and LESS Right-of-way for 12th Street as shown in Road Book 5, Page 124 (Official Record Book 2535, Page 1518). Said property located on the northeast corner of the intersection of Haverhill Road and 12th Street being bounded on the east by Military Trail (S.R. 809) in an RS-Residential Single Family District was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the Master Plan shall be revised to reflect the following:
  - a) Designation of the acreage and the amenity package of the recreation tract within the housing tract.
  - b) Areas of preservation of significant native vegetation including that within the required buffer area and central and eastern portion of the site.
2. The developer shall preserve existing vegetation wherever possible and incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
3. All property included in the legal description of this zoning petition shall be subject to a Declaration of Restrictions and Covenants, acceptable to County Attorney's office, which shall provide, among other things, for the following: Formation of a single "master" property owners' association, and automatic membership in the "master" property owners' association by any party holding title to any portion of the property included in the P.U.D.
4. 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.

5. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

6. 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. This drainage system shall be maintained in an acceptable condition per the County Engineers approval.

7. The property owner shall convey for the ultimate right-of-way for:

- a) Haverhill Road, 54 feet from centerline
  - b) Military Trail, 60 feet from centerline
  - c) The construction of a right turn lane North approach at the project's north entrance onto Military Trail. The minimum length of this right-of-way shall be 150 feet long, 12 feet in width, with a minimum taper length of 180 feet.
- all 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.

8. The property owner shall construct:

- a) on Haverhill Road at the project's entrance road a left turn lane, north approach and a right turn lane, south approach.
- b) on 12th Street at both project's entrance roads a left turn lane, west approach and a right turn lane, east approach.
- c) on Military trail at the project's north entrance road a left turn lane, south approach and a right turn lane, north approach per the Florida Department of Transportation approval. This construction shall include eliminating the existing median opening to the north with raised mountable curbing concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

9. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of 12th Street, Haverhill Road and Military Trail along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along 12th Street, Haverhill Road and Military Trail. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements.

10. 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:

- a) Phase One - J.C.C. Recreation Area ; 66,975.00 (2,500 trips X \$26.79 per trip) .
- b) Phase Two - Dorfman Residential PUD \$202,608.00 (2,520 trips X \$80.40 per trip).

11. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$134,792.00 toward palm Beach County's existing Roadway Improvement Program. Total funds of \$404,375.00, are to be paid within 12 months of Special Exception Approval.

12. If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$134,792.00 shall be credited toward the increased Fair Share Fee.

13. The property owner shall plat the entire parcel per the County Engineers Approval.

14. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:

No more than 328 building permits shall be issued until the contract has been let for a 4 lane section from 1-95 to Haverhill Road plus the appropriate paved tapers.

15. Property owner shall align the eastern-most entrance/exit onto 12th Street with the proposed shopping center to the south or as approved by the County Engineer.

Commissioner Owens, 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:

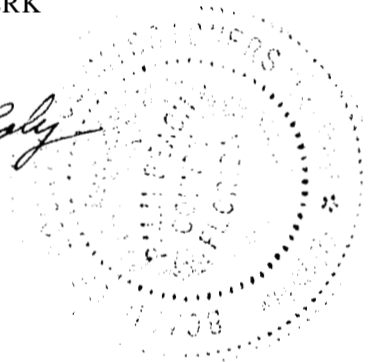
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, vice Chairman	--	AYE
Kenneth Spillias, Member	--	ABSENT
Dorothy Wilken, Member	--	AYE
Kenneth M. Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 22nd day of April, 1986 confirming action of the 30th January 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Paly  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Freddie Brown  
County Attorney