

RESOLUTION NO. R-86-859

RESOLUTION APPROVING ZONING PETITION 86-31, 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. 86-31 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2nd May 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 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 2nd of May 1986, that Petition No. 86-31 the petition of MARTIN COYNE, By Kieran Kilday, Agent for a SPECIAL EXCEPTION TO AMEND THE SOUTH 1/2 OF THE MASTER PLAN FOR SPORTSMAN CLUB PLANNED UNIT DEVELOPMENT, PREVIOUSLY APPROVED OCTOBER 1, 1970, TO INCREASE THE DENSITY AND CHANGE THE UNIT TYPE AND ALLOW A LIFE CARE FACILITY on a parcel of land lying in the Northwest 1/4 of Section 5, Township 45 South, Range 43 East, said parcel being more particularly described as follows:

Commencing at the Northwest corner of said Section 5; thence south 0 degree 16'35" East along the West line of said Section 5, a distance of 1539.94 feet; thence North 89 degrees 43'25" East, a distance of 50.00 feet to the intersection of the East line of Congress Road and the South line of Donnelley Drive, being the Point of Beginning of

the herein described parcel of land.

Thence Easterly along the said South line of Donnelley Drive by a curve concave to the Northwest having radius of 1623.14 feet, a central angle of 9 degrees 06'33" for an arc distance of 258.05 feet; thence South 7 degrees 59'18" West, a distance of 80.40 feet; thence South 42 degrees 42'25" West, a distance of 161.85 feet; thence South 16 degrees 47'48" West, a distance of 76.80 feet; thence South 47 degrees 17'35" East, a distance of 28.00 feet; thence North 89 degrees 43'25" East, a distance of 22.00 feet; thence South 47 degrees 05'53" East, a distance of 288.05 feet; thence North 42 degrees 45'32" East, a distance of 558.05 feet to a point in the West line of Lear Drive; thence South 43 degrees 14'28" East along the said West line of Lear Drive a distance of 345.59 feet; thence North 84 degrees 17'21" East, a distance of 75.65 feet to a point in the East line of Lear Drive; thence North 43 degrees 14'28" West along the said East line of Lear Drive, a distance of 395.87 feet; thence continue along the same North 48 degrees 00'55" West, a distance of 234.02 feet to a point in a curve to the aforementioned South line of Donnelley Drive from which the radius point bear North 22 degrees 47'10" West; thence Easterly along the said South line of Donnelley Drive by said curve concave to the Northwest having a radius of 1603.14 feet, a central angle of 4 degrees 00'12" for an arc distance of 112.01 feet to a point of reverse curvature; thence Easterly along the said South line of Donnelley Drive by a curve concave to the Southeast having a radius of 1596.55 feet, a central angle of 26 degrees 21'10", for an arc distance of 734.32 feet; thence continue along the same North 0 degree 26'12" West, a distance of 10.00 feet; thence continue along the same North 89 degrees 33'48" East, a distance of 686.86 feet to a point in the West line of Hickam Street; thence South 6 degrees 22'32" West, along the said West line of Hickam Street, a distance of 1158.86 feet; thence North 87 degrees 21'28" East, a distance of 806.69 feet; thence North 11 degrees 29'32" East, a distance of 32.41 feet; thence North 88 degrees 03'22" East, a distance of 88.86 feet; thence South 9 degrees 34'22" West, a distance of 414.27 feet to a point on the North line of L.W.D.D. Canal L-17; thence South 87

degrees 20'55" West, along the said North line of L.W.D.D. Canal L-17, a distance of 1359.71 feet; thence continue along the same North 0 degree 16'35" West, a distance of 25.02 feet; thence Continue along the same South 87 degrees 20'55" West, a distance of 1454.25 feet to a point in a curve of the East line of Congress Avenue; thence Northerly along the said East line of Congress Avenue by said curve concave to the West, having a radius of 1960.08 feet, a central angle of 3 degrees 45'27" for an arc distance of 128.54 feet to a point in the East line of Congress Road; thence North 0 degree 16'35" West, along the said East line of Congress Road, a distance of 221.89 feet; thence continue along the same North 87 degrees 20'55" East, a distance of 17.21 feet; thence continue along the same North 0 degree 16'35" West, a distance of 864.30 feet to the Point of Beginning.

LESS

The plat of Lantana Pines Plat No. 1, as recorded in Plat Book 41, Page 45.

ALSO LESS

The plat of Lantana Pines Plat No. 2, as recorded in Plat Book 45, Page 162.

ALSO LESS

The plat of Lantana Pines Plat No. 3, an unrecorded plat being described as follows :

Commencing at the Northwest corner of said Section 5; thence South 00 degree 16'35" East, along the West line of said Section 5, a distance of 1539.94 feet; thence North 89 degrees 43'25" East, along the South right-of-way line of Donnelley Drive a distance of 50.00 feet to a point; thence with a bearing of South 00 degree 16'35" East, a distance of 642.50 feet to a point; said point being the Point of Beginning; thence North 89 degrees 43'25" East, a distance of 32.50 feet; thence with a bearing of North 0 degree 16'35" West, a distance of 7.50 feet; thence with a bearing of North 44 degrees 43'25" East, a distance of 14.14 feet; thence with a bearing of North 89 degrees 43'25" East, a distance of 209.20 feet; thence with a bearing of South 68 degrees 41'14" East, a distance of 7.36 feet; thence with a bearing of South 47 degrees 05'53" East, a distance of 49.91 feet;

thence with a bearing of South 8 degrees 58'19" East, a distance of 30.87 feet; thence with a bearing of South 38 degrees 12'47" East, a distance of 67.45 feet; thence with a bearing of South 47 degrees 14'28" East, a distance of 383.94 feet; thence with a bearing of South 2 degrees 39'05" East, a distance of 30.78 feet; thence North 87 degrees 20'55" East, a distance of 20.00 feet; thence South 2 degrees 39'05" East, a distance of 65.00 feet; thence South 87 degrees 20'55" West, a distance of 20.00 feet; thence South 2 degrees 39'05" East, a distance of 85.27 feet to a point on the North right-of-way lien of L.W.D.D. Lateral Canal No. 17; thence with a bearing of South 87 degrees 20'55" West, along the North right-of-way line of L.W.D.D. Lateral No. 17, (said line lying 50.00 feet North of and parallel to the East-West quarter line of Section 5) a distance of 634.25 feet to a point on the Easterly right-of-way line of Congress Avenue; thence with a curve to the left, along the East right-of-way line of Congress Avenue, having a chord bearing of North 5 degrees 57'04" West, a radius of 1960.08 feet subtended by an angle of 3 degrees 45'27", and an arc length of 128.54 feet to a point; thence with a bearing of North 0 degree 16'35" West, a distance of 221.89 feet; thence North 87 degrees 02'55" East, a distance of 17.21 feet; thence North 0 degree 16'35" West, a distance of 221.80 feet more or less to the Point of Beginning. Said property located on the southwest corner of the intersection of Donnelley Road and Hickham Street, being bounded on the east by Lake Osborne and on the south by Lake Worth Drainage District Lateral Canal L-17 in an RS-Residential Single Family District was approved as advertised subject to the following conditions:

1. Prior to master plan certification, the master plan shall be revised to reflect all areas of significant native vegetation.
2. The developer shall provide a minimum 15 foot landscape buffer along the northwestern 60 foot right-of-way to include any combination of the following: 3 foot berm, hedge and/or wall to be maintained at a minimum height of 6 feet supplemented with one tree per 30 linear feet.
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. The developer shall preserve existing vegetation within the site and shall incorporate said vegetation into the project design. Appropriate measures shall be taken to protect these preservation areas during site clearing and construction.

5. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to master plan and/or site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include highlighting of preservation areas through the installation of stakes installed a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree.

In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or wood, placed a distance of six feet apart, or at the radius of the dripline, whichever is greater.

Additional tree preservation guidelines can be obtained from The Tree Protection Manual for Builders and Developers published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services.

6. 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.

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

8. 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. The drainage system shall be maintained in an acceptable condition per the County Engineers approval.

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.

10. The property owner shall restrict the proposed 334 dwelling units to use as a residential environment for the retired and elderly.

11. The property owner shall plat each parcel per the County Engineers Approval.

12. The property owner shall install signalization if warranted as determined by the County Engineer at Donnelly Road and Congress Avenue and Old Lantana Road and Lantana Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

13. A maximum height of 3 (three) stories shall be permitted for the two 150-unit buildings.

14. Any three story structures shall be set back a minimum of 60 feet from the south property line.

15. An exact copy of the buffer treatment graphic displayed at the Board of County Commissioners Public Hearing shall be submitted to the Zoning Division prior to certification of the master plan. The southern boundary line shall be landscaped as shown in the graphic. This graphic is identified as Section A-A, Drawing 85-83, dated

4-3-86 by Kilday and Associates,

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

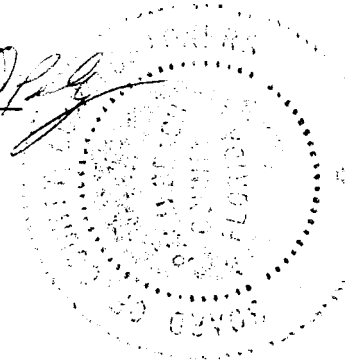
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Ken Spillias, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Kenneth M. Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 10th day of June, 1986 confirming action of the 2nd May 1386.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Frank Spitzer
County Attorney