

RESOLUTION NO. R-87-29

RESOLUTION APPROVING ZONING PETITION 86-66, 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. 86-66 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 26, 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. With Master Plan modifications, this proposal will be 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 ~~13th~~ day of ~~January~~, 19~~87~~, that: Petition No. 86-66, the petition of PAUL HENNES, TRUSTEE, By Conrad Schaefer, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the South 1/8 of the Northeast 1/4 and the North 1/8 of the

Commissioner Adams, 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:

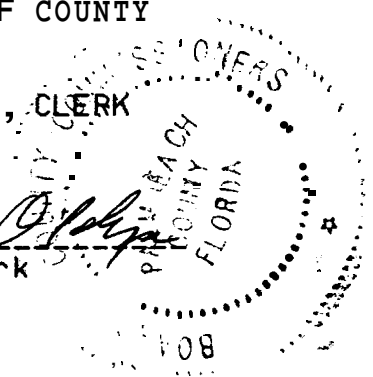
Karen Marcus	-- ABSENT
Jerry L. Owens	-- AYE
Ken Spillias	-- ABSENT
Dorothy Wilken	-- NAY
Kenneth M. Adams	-- AYE

The foregoing resolution was declared duly passed and adopted this 13th day of January, 1987 confirming action of June 26, 1986.

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

BM

County Attorney

5. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional 830,753 toward Palm Beach County's existing Roadway Improvement Program, these total funds of 8153,765 to be paid prior to January 1, 1987.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$30,753 shall be credited toward the increased Fair Share Fee.

6. The petitioner shall convey to the Lake Worth Drainage District
 - a) the South thirty (30) feet of the North one-eighth (N 1/81 of the Southeast Quarter (SE 1/41 of Sec. 26, T.46S., R.42E. for the required right-of-way for (Lateral) Canal No. 37, and
 - b) a parcel of land approximately 103 feet to 110 feet in width along the Western boundary of the subject parcel for the required right-of-way for (Equalizing) Canal No. 3, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of adoption of the Resolution by the Board of County Commissioners.

Note: According to Chancery Case No. 407, the District could own a right-of-way 56.3 feet in width for Lateral Canal No. 37 and a right-of-way 55.3 feet in width north of the 1/4 Sec. Line and 63.5 feet in width south of the 1/4 Sec. Line for Equalizing Canal No. 3.

The petitioner is advised to communicate with the Lake Worth Drainage District on this matter.

7. All property included in the legal descriptions of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for: Formation of a single "master" property owners' association, and automatic membership in the "master" association by any party holding title to any portion of the property included in the P.U.D.
8. Maximum density shall be limited to 3.8 du/ac.

Southeast 1/4 of Section 26, Township 46 South, Range 42 East, excepting therefrom a strip of land 40 feet in width on each side of the centerline of the County Road as now laid out and existing; also, excepting the East 75 feet of the South 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 and the East 75 feet of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 26, Township 46 South, Range 42 East, less the portion thereof lying within 40 feet of the centerline of Military Trail, and subject to the right of way of Lake-Worth Drainage District Lateral Canal No. 37. Said property located on the west side of Military Trail (S.R. 8091, approximately .5 mile south of Linton Boulevard was approved as advertised subject to the following conditions:

1. Prior to Master Plan certification, the Master Plan shall be amended to reflect the following:
 - a) required number of trees
 - b) required recreation acreage
 - c) the individual amenities within the recreation sites
 - d) relocation of the deck out of the required maintenance easement
 - e) indicate minimum width of open space tracts adjacent to single family design cluster housing tracts
2. The development shall retain onsite **85%** of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineers approval.
3. The Property owner shall convey an additional right-of-way in order to construct a right turn lane, north approach on Military Trail at the project's entrance road per County Engineer's approval. This construction shall include curb and gutter and shall be concurrent with onsite paving and drainage improvements.
4. 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. The Fair Share Fee for this project presently is \$123,012 (1,530 trips X **\$80.40** per trip) .