

RESOLUTION NO. R- 87-434

RESOLUTION APPROVING ZONING PETITION 86-118, 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. 86-118 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 23, 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 required master plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

Petitioner shall enter into formal agreement with School Board to mitigate project's public school impact .

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 24th day of March, 1987, that: Petition No. 86-118, the petition of JOSEPH A. MYERS, TRUSTEE, By Beril Kruger, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the East 1/2 of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 11, Township 44 South, Range 42 East, Less

the East 142 feet as measured on the North line of said Section 11, of the North 562.9 feet as measured along the East line of said Section 11, of the East 1/2 of the North 1/2 of the Northeast 1/4 of Section 11, Township 44 South, Range 42 East. Less, However, the East 40 feet of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 11 for Right-of-way for Haverhill Road. Said property located on the south side of Summit Boulevard, approximately 100 feet west from the intersection of Haverhill Road and Summit 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 required number of trees to be preserved or planted or obtain variance relief.
2. Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on subject property.
3. Petitioner shall submit a plan demonstrating an adequate fire protection system and water supply. This plan shall be approved by the Department of Fire Rescue prior to site plan approval.
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. The drainage system shall be maintained in an acceptable condition per the County Engineer's approval. In the event that the drainage system is not adequately maintained to the satisfaction of the County Engineer, the matter shall be submitted to the Code Enforcement Board for review and Possible citation.
5. 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 \$27,979.00 (348 trips X 880.40 per trip).

Based on the Traffic Performance Standards (Category B"), the Developer shall contribute an additional \$6,944.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$34,973.00 shall be paid prior to February 1, 1987, or prior to the issuance of a Building Permit, whichever shall first occur.

6. The petitioner shall convey to the Lake Worth Drainage District the north 70 feet of the east 1/2 of the north 1/2 of the northeast 1/4 of the northeast 1/4 of Section 11, Township 44 S, Range 42 E Palm Beach County, less the east 142 feet thereof, for the required right-of-way for Lateral Canal No. 6 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.

7. The Developer shall not be issued a Building Permit until Haverhill Road has been constructed as a minimum 2-lane section from Summit Boulevard south to the Project's entrance road other than those for dry models.
8. Maximum residential density shall be limited to 4.0 dwelling units per acre.
9. Minimum number of trees to be planted shall be fifty percent (50%) native species.

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


The foregoing resolution was declared duly passed and adopted this 24th day of March, 1987 confirming action of October 23, 1986.

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jina M. Eddings
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



County Attorney