

RESOLUTION NO. R-88-1635

RESOLUTION APPROVING ZONING PETITION NO. 81-215(E)  
SPECIAL EXCEPTION PETITION OF HOVNANIAN COMPANIES OF FLORIDA, INC.

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. 81-215(E) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 30, 1987; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 81-215(E), the petition of HOVNANIAN COMPANIES OF FLORIDA, INC., by Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR COLONY LAKES, A PLANNED UNIT DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 81-215 IN APRIL OF 1982 (RESOLUTION NO. R-82-628, ADOPTED JUNE 29, 1982), ZONING PETITION NO. 81-215(A) ON JULY 30, 1984 (RESOLUTION NO. R-84-1841, ADOPTED DECEMBER 11, 1984), ZONING PETITION NO. 81-215(B) ON NOVEMBER 1, 1984 (RESOLUTION NO. R-85-275, ADOPTED FEBRUARY 19, 1985), AND ZONING PETITION NO. 81-215(D) ON SEPTEMBER 25, 1986 (RESOLUTION NO. R-87-229, ADOPTED FEBRUARY 10, 1987), TO 1) REDESIGN THE SITE AND 2) TO CHANGE THE HOUSING CATEGORY on a parcel of land being all of the Plat of Hidden Lakes, Phase No. 1

a portion of Hidden Lakes Planned Unit Development, according to the Plat thereof recorded in Plat Book 41, Pages 41 and 42 of the, and Tracts 77, 78, 79, 80, 81, 82, and 83, Block 9, Palm Beach Farms Company Plat No. 1, according to the Plat thereof recorded in Plat Book 2, Page 26 and that part of Tract 76, Block 9 of said Palm Beach Farms Company Plat No. 1 lying West of the said Plat of Hidden Lakes, Phase No. 1, (Section 9, Township 46 South, Range 42 East), located on the west side of Hagan Ranch Road, approximately .2 mile north of Sims Road, in a RS-Residential Single Family Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to master plan certification, the master plan shall be amended to indicate the following:
  - a. The location of the twenty (20) foot lake maintenance easement exclusive of the 25 foot perimeter buffer for all lakes as proposed on exhibit number 52 excluding the existing lake located adjacent to the AR outparcel within the southern central portion of the site.
  - b. Relocation of the proposed satellite dish site to an area that is greater than 150 lineal feet from any perimeter boundary.
3. Prior to site plan certification, petitioner shall deliver to Lake Worth Drainage District a Corrective Deed for Lateral Canal No. 31 and Equalizing Canal No. 2-E in order to clarify the intent of the existing legal description.
4. Condition 8.b. of Resolution Number R-87-229 which presently reads:

Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$48,160.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$240,798.00 are to be paid prior to June 1, 1987 or prior to the issuance of the first building permit, whichever shall first occur. Note: Monies received in the amount of \$149,000.00 shall be credited toward this \$240,798.00 total Impact Fee. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$48,160.00 shall be credited toward the increased Fair Share Fee."

is hereby amended to read as follows:

Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$48,160.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$240,798.00 are to be paid prior to November 1, 1987 or prior to the issuance of the first building permit, whichever shall first occur. Note: Monies received in the amount of \$149,000.00 shall be credited toward this \$240,798.00 total Impact Fee. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$48,160.00 shall be credited toward the increased Fair Share Fee."

5. Condition 10 of Resolution Number R-87-229 which presently reads:

The petitioner agrees to provide a Landscape Improvement Program in the median of Atlantic Avenue from Jog/Carter Road to Hagen Ranch Road in the amount of \$110,000.00. Permits shall be obtained from the Office of the County Engineer and a proper maintenance agreement shall be entered into to allow the private continuous maintenance of these improvements. The Homeowners Association of this project shall assume maintenance responsibility until a maintenance agreement is finalized and approved by the County Attorney. Such landscape program and maintenance shall further be subject to the approval of the Florida Department of Transportation.

is hereby amended to read:

The petitioner agrees to provide Palm Beach County the amount of \$110,000.00 for use in the existing Landscape Improvement and Irrigation Program in the median of Atlantic Avenue from Jog/Carter Road to Hagen Ranch Road. A formal agreement for the provision of this sum in a timely manner shall be finalized and approved by the County Attorney prior to Site Plan approval. Such landscape program and maintenance shall further be subject to the approval of the Florida Department of Transportation. Any money left over from this fund may be utilized for the South County Civic Center.


Commissioner Elmquist 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:

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 4th day of October, 1988 confirming action of September 30, 1987.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

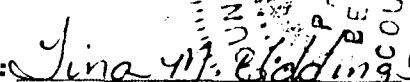
BY:

  
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COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
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DEPUTY CLERK

