

RESOLUTION NO. R-89- 1321

RESOLUTION APPROVING ZONING PETITION NO. 89-19
SPECIAL EXCEPTION PETITION OF RAINBERRY DEVELOPERS FOUR, 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 have been satisfied; and

WHEREAS, Petition No. 89-19 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 31, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-19 the petition of RAINBERRY DEVELOPERS FOUR, INC., by Robert E. Basehart, Agent, for a SPECIAL EXCEPTION TO (1) PERMIT A PLANNED RESIDENTIAL DEVELOPMENT, INCLUDING (2) A RECREATIONAL FACILITY AND CLUB (PRIVATE GOLF COURSE) on a parcel of land lying within Block 9, Palm Beach Farms Company Plat No. 1, Plat Book 2, pages 26 through 28, more particularly described as follows: Being located in Section 09, Township 46 South, Range 42 East, all of Tracts 1 through 64 inclusive, of said plat; together with; the North 297.36 feet of Tracts 65 through 72, inclusive, of said plat; together with; that portion of the platted 30 foot wide road right-of-way lying East of Tracts 9, 24, 41, and 56 that also lies West of the right-of-way for Hagen Ranch Road, as now located and constructed; together with the platted 30 foot wide right-of-way south of Tracts 17 through 32, inclusive, and Tracts 57 through 64, inclusive of said plat; less and excepting

the aforementioned right-of-way for Hagen Ranch **Road as now** located and constructed, being located on the east and west sides of Hagen Ranch Road and bounded on the south by **Lake** Worth Drainage District Canal L-31, on the west by Lake Worth Drainage District Canal E-5, and on the north by the Lake Worth Drainage District Canal L-30, approximately .4 mile north of Sims Road in a RS-Single Family Residential Zoning District, was approved on March 31, **1989**, as advertised, subject to the following conditions:

1. **No** off-premise signs shall be permitted on site.
2. Lighting to illuminate the golf course and recreation parcel shall be shielded with house shields and designed as to shine only on the subject site and directed away from adjacent residential developments and public streets.
3. Prior to site plan certification the developer agrees to:
 - a. Provide Palm Beach County Water Utilities Department (utility) with four well sites, locations of which are to be determined by mutual agreement:
 - b. Provide utility with necessary easements for well sites and raw water mains as required for the maintenance and operation of said wells and mains as provided in 3a above.
 - c. Provide utility with an easement adjacent to the L-30 Canal for utility lines required for operation of the Southern Region Wastewater Treatment Plant:
 - d. Enter into an agreement with the utility on the utilization of irrigation-quality treated effluent for all or a portion of golf course area irrigation, subject to regulatory approvals, permits, statutory governing authorities having jurisdiction over such matters prior to making applications for an irrigation system. It is recognized that the operation of the wellfield to be provided for in 3a and **3b** above may affect or limit the area to be considered for irrigation. It is not the intention of the utility to require expensive, unnecessary dual irrigation of said areas.
4. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. At the discretion of the Health Department, the comfort stations may be reviewed under separate criteria.
5. Water service is available to the property. Therefore, **no** well shall be permitted on the site to provide potable water.

6. The maintenance and/or chemical storage building(s) shall not be located in Zone One (1) or Two (2) of the proposed wellfield.
7. **No** pesticides or fertilizers shall be applied through aerial irrigation within 100 feet of the lake area.
8. If reclaimed water (wastewater plant effluent) is utilized to fill lakes, the lakes shall be lined with an impervious material to prevent percolation into the groundwater table and to prevent the draw-down of the lakes. Any use **of** the reclaimed water shall comply with all Florida Department of Environmental Regulation and Palm Beach County Public Health Unit rules, regulations and permit conditions.
9. In the wellfield zones, sanitary sewer mains shall be built to force main standards, and no exfiltration trenches shall be allowed.
10. All land development and construction activities within the project area must **use** those management practices, as applicable, as set forth in "Exhibit D" of the Wellfield Protection Ordinance.
11. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required **by** the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the **County** Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
12. The Property owner shall construct at the project's entrance road and Hagen Ranch Road:
 - a. left turn lane, north approach
 - b. left turn lane, south approach
 - c. right turn lane, south approach
 - d. left turn lane, east approach
 - e. left turn lane, west approach

concurrent with the construction of the project's entrance road onto Hagen Ranch Road. Construction shall be completed prior to the issuance of a Certificate of Occupancy.

13. The Property owner shall convey to Palm Beach County within **90** days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Hagen Ranch Road along the property frontage and for a maximum **400** ft. distance each side of the property boundary lines along Hagen Ranch Road. Said easements shall be no less than **20** feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.
14. The petitioner 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 **\$1,045** per approved single family dwelling unit over **2,000** square feet and **\$804.00** per approved single family dwelling unit under **2,000** square feet plus **\$30,139.00** for the proposed golf course (golf course **1,125** trips X **\$26.79**).
15. The property owner shall convey to the Lake Worth Drainage District an additional **15** foot easement access tract **72** Block **9** for the required right-of-way for Lateral Canal **No. 31**, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (**90**) days of the approval of the Resolution approving this project.
16. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
 - a) **No** more than **34** single family building permits plus the two (**2**) golf courses and clubhouse shall be issued until construction has begun for West Atlantic Avenue as a minimum **6** lane section from Hagen Ranch Road to Military Trail plus the appropriate paved tapers currently scheduled for the Fiscal Year **1990-1991**.
17. The Developer shall install signalization if warranted as determined by the County Engineer at Hagen Ranch Road and the project's entrance road. Should signalization not be warranted after **12** months of the final Certificate of Occupancy this property owner shall be relieved **from** this condition.

18. Prior to site plan review the petitioner shall **indicate** existing right-of-way dimensions on a plat or survey.
19. The developer shall plat the subject property in accordance with provisions of Palm Beach **County's** Subdivision Platting Ordinance **73-4** as amended.
20. The use of the site shall be limited to **94** single family category A dwelling units and two **(2)** golf courses.
21. The trees allocated to the lake areas to satisfy the minimum tree planting requirements shall be planted along the golf course fairways which are adjacent to Hagen Ranch Road.
22. Now and in the future, the present and future owners/residents of this development shall indemnify and save harmless the utility from any claim, action, liability or suit arising out of present or future groundwater levels or any fluctuations thereof caused by the operation of the wells as required in 3a.
23. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for adoption of the Resolution.

The motion was seconded by the Commissioner Howard and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 11th day of July, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY :

Barbara Altman
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :

June F. Hardy
DEPUTY CLERK