

RESOLUTION NO. R-90-1299

RESOLUTION APPROVING ZONING PETITION NO. 80-73(F)
SPECIAL EXCEPTION PETITION OF
CITIZENS AND SOUTHERN TRUST COMPANY
BY DAVID L. CARPENTER, AGENT

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. 80-73(F) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 22, 1990; 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. 80-73(F), the petition of CITIZENS AND SOUTHERN TRUST COMPANY, BY DAVID L. CARPENTER, AGENT, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR ST. ANDREWS PLANNED UNIT DEVELOPMENT, INCREASE THE LAND AREA, INCREASE AND TRANSFER DENSITY, AND RELOCATE AND REDUCE THE LAND AREA OF THE CIVIC SITE on a parcel **of** land lying on Section 33, Township 46 South, Range 42 East, subject to a road right-of-way and easement over the South 45.00 feet, Deed Book 729, Page 498; **TOGETHER WITH** the Northwest 1/4 of Section 34, Township 46 South, Range 42 East, less and except the East 1688.84 feet, as measured at right angles, thereof. And, a parcel **of** land in said Section 34, the West 660.00 feet **of** the Southwest 1/4 less the South 825.00 feet; and the South 825.00 feet of the West 660.00 feet of the Southwest 1/4, less the South **60.00** feet for Clint Moore Road and being located on the south side **of** Lake Worth Drainage District Canal Number 38, bounded on the west by Florida's Turnpike, on the south by Clint Moore Road in a RT-Residential Transitional Zoning District, was approved on February 22, 1990, as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions unless expressly modified herein.
2. The commercial parcel may be relocated to the area shown on the previously approved Master Plan. Lot area shall not exceed **1.62** acres.
3. Condition **No. 2** of Petition **No. 80-73(C)**, which presently states:

"2. The petitioner may exchange the required on-site dedication of land for civic uses either for: **1]** a parcel of land off site, acceptable to the county, equal in acreage; or **2]** cash of equal value. **The** value of the site shall be determined by appraisal, acceptable to the county based upon its value as a civic site. This off site acreage or cash contribution shall be used to offset the identifiable impacts directly attributable to this project.

In the event that the off-site land dedication is **of** less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications.

The off-site land or cash contribution shall be coordinated and accepted by the Palm Beach County Department of Real Property Management and shall be approved by the Board of County Commissioners. Once this approval is obtained, the petitioner shall be deemed to have satisfied the intent of the Zoning Code, Section **500.21.H** (Minimum Land Area Requirements)."

is hereby amended to read:

"The petitioner may exchange the required on-site dedication of land for civic uses either by conveying fee simple title for a parcel of land off-site equal in acreage (**14.0** acres minimum) or cash of equal value. In addition, in the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of the land shall be based upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, the petition shall be deemed **to** have satisfied the intent of Zoning Code Section **500.21.H**.

The value for this release shall be determined by the Department of Property and Real Estate Management, and be approved and accepted by the Board of County Commissioners prior to master plan certification. This agreement shall be clearly noted by the applicant on the approved master plan.

The Petitioner shall have finalized the cash in lieu of land transaction prior to September 1, 1990."

4. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
6. 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 on site 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.
7. 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 \$1,650.00 per approved single family dwelling unit.
- a. Prior to July 1, 1990, the property owner shall convey to the Lake Worth Drainage District the north 95 feet of the west 660 feet of the southwest 1/4 of section 34, township 46, range 42 East for the required right-of-way for Lateral Canal No. 30, by Quit Claim Deed or an Easement Deed in the form provided by said District.
9. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
10. The construction access to Pods "O" and "P" shall be permitted on Old Clint Moore Road for a maximum period of three (3) years from the time of issuance of Land Development permits.
11. Units within Pod "P" shall not exceed 2 stories in height and shall be single family detached unit types.
12. All prohibited species shall be removed from site.
13. Land Development activity shall not take place prior to 7:00 a.m. and shall be appropriately muffled.
14. The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be

bused because of School Board policies regarding overcrowding, racial imbalancing or other policy matters.

This documentations shall be updated on an annual basis.

15. No cross access shall be permitted between Pods P and I of the development.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by 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	--	Aye

The Chair thereupon declared the resolution **was** duly passed and adopted this 7th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK