

RESOLUTION NO. R-84-350

RESOLUTION APPROVING ZONING PETITION ~~83-153~~ Special Exception

WHEREFIS, **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 pet it ions relating to zoning; and

WHEREAS, the not ice 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**

WHEREFIS, Pet it ion No. ~~83-153~~ was presented to the Board of **County Commissioners of Palm Beach County at its 'public hearing** conducted on 1st December **1983; and**

WHEREFIS, the Board of County **Commissioners has considered the evidence** and testimony presented by the **applicant and other** interested part ies and the **recommendatons** of the **various county** review agencies and the recommendat ions of the **Planning Commission;** and

WHEREFIS, the Board of County **Commissioners made the following findings of fact:**

1. **Provided** that this project is phased concurrent with **required improvements to the County's thoroughfare** system, the proposed **development would be consistent** with the requirements of the **Comprehensive Plan** and **Zoning Code.**
2. **Provided that the southern, western, and eastern** boundaries of the **site are adequately buffered,** the proposed **development would not** have any adverse **impacts upon adjoining developments.**

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, **assembled in regular session this 1st day December 1'383, that Petition No. 83-153 the**

**petition of ROBERT C. MALT,** for a SPECIAL EXCEPTION TO ALLOW A **PLANNED UNIT DEVELOPMENT** on the East 1/2 of the Northwest 1/4 of **Section 11, Township 44 South, Range 42' East,** also known as **Lots 1 through 8 , Model Land Company' s Subdivision,** as recorded in **Plat Book 5, Page 76 .tg the West 1/2 of Northwest 1/4' of Section 11,** also known as **Lots 21 through 28 inclusive,** Model Land Company, as recorded in **Plat Book 5, Page 76. Said property located on the on the south side of Summit Boulevard, approximately .5 mile east of Jog Road** was approved

as advertised **subject** to the following **condit ions**:

1. 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.
2. The **developer** shall construct on **Summit Boulevard** at the **project's** entrance road concurrent with the first **plat** :
  - a) **Left turn lane**, east approach.
  - b) **Right turn lane**, west approach.
3. The developer **shall install signalization** at the **intersection** of **Summit Boulevard** and the **project's** entrance road when warranted as determined by the County Engineer, however **in no** event later than **five** years after the **issuance of the final Certificate** of Occupancy. If **signalization** is not required prior to the issuance of the 700th **Building** permit, the developer **shall post a bond** to cover the **cost of signalization**.
4. Under the **provisions of Ordinance 81-6** this project has been **reviewed as** Category "B". The **developer** must construct roadway improvements to offset the **project's** impact at the **intersection** of Southern Boulevard & Haverhill Road. **Based** upon the amount of **traffic generated** by this development the developer **shall contribute** Four Hundred Thousand Dollars (\$400,000.00), (at the rate of \$500.00 per **dwelling unit**), in order to **complete Palm Beach County's** Haverhill Road **Bridge**. program.

This project **shall be limited to 248 dwelling units** until a contract has been **let for the Haverhill Road Bridge over the Palm Beach Canal**. Palm Beach County shall fund the remainder of the **cost necessary to complete this project to limit the exposure of this developer to Four Hundred Thousand Dollars (\$400,000.00)**. This money **shall be made available by the developer within 3 years of Special Exception approval**.

**Palm Beach County shall enter into a formal contract with the developer prior to the issuance of the Building Permit, or within 12 months of Special Exception approval, whichever shall first occur in order to guarantee construction of this bridge.**

5. **Credit shall be applied** toward the "Fair Share" fee for **this** development based upon the **bridge construction** as outlined in **Condition #4** above.

**Should** the developer seek to **obtain building** permits prior to the letting of a contract for the Haverhill Road Bridge, the developer **shall post surety** in the amount of **\$200 per dwelling unit**. These monies or surety shall then be returned to the developer **after** completion of the **bridge construction**, as outlined in **Condition #4** above.

6. The developer **shall take reasonable precautions during the development** of this property to insure that **fugitive particulates** (dust particles) from this project do not become a **nuisance to neighboring** properties.
7. The developer **shall take necessary measures during the development** of this property to prevent pollutant runoff to neighboring and nearby surface waters.

8. The property owner **shall** convey, by either easement or deed, to the Lake Worth Drainage District, the North 70 feet of the Northwest Quarter (NW 1/4) of **Section 11-44/42** for **Lateral Canal No. 6** and the South 45 feet of the Northwest Quarter (NW 1/4) of **said Section 11** for **Lateral Canal No. 7** and the West 20 feet of the East 60 feet of the Northwest Quarter (NW 1/4) of **said Sec. 11** for **Equalizing Canal No. 3**.
9. **Prior to certification**, the proposed Master **Plan shall** be **amended to** reflect the following:
  - a) installation of **screening along** the south and eastern **boundaries to** effect an **immediate** minimum 75% opaque **screening of six feet in height above** adjoining properties.
  - b) **description of the recreation amenities to be provided for this development.**
  - c) **a six-foot high solid** cypress concrete-anchored fence **along the entire** west property **line** except for segments for **which the owners of adjoining** properties have **submitted a written objection** to such fence.
  - d) **single family** development **only, along the entire** South boundary of the site.
10. The developer **shall** acknowledge the existence of the **agricultural uses located to** the West in **all sales literature contract 5**.

Commissioner Koehler , 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:

Peggy E. Evatt, Chairman	--	AYE
Ken Spi 11 ias, Vice Chairman	--	ABSENT
Dennis P. Koeh ler, Member	--	AYE
Dorothy Wi 1 ken, Member	--	AYE
Hi 11 Bai ley, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 13th day of March , 1984 , confirming action of 1 st December 1983.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN E. DUNKLE, CLERK

BY:   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
County Attorney