

RESOLUTION NO. R- 84-1312

RESOLUTION APPROVING ZONING PETITION 84-92, 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. 84-92 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 29th of June 1984; 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. A proposed development is consistent with the Zoning Code requirements, except for the failure to indicate the required 25 foot PUD buffer and recreational amenities package.
2. The Planned Unit Development bonus being sought is not justified unless the Petitioner commits to a residential amenities package.
3. A phasing of the proposal imposed through the limitation of building permits, is necessary for the impacts to meet the Traffic Performance Standards.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 29th of June 1984, the petition of PALERMO CONSTRUCTION COMPANY, INC., By Kieran Kilday, Agent, for the SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the Northwest 1/4 of the Southeast 1/4; the West 1/2 of the Northeast 1/4 of the Southeast 1/4; the Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4 and the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 27, Township 45 South, Range 42 East, Less

the following described parcels of land:

The North 63 feet of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of said Section 27, and the North 53 feet of the West 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of said Section 27, together with

The East 40 feet of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of said Section 27. Said property located on the east side of Jog Road, approximately 0.5 mile south of Boynton Beach Boulevard (S.R.804) was approved as advertised subject to the following conditions:

1. Prior to the Board of County Commissioner's Public Hearing, the site plan shall be amended to reflect recreational amenities package to be included in the proposal.
2. Prior to certification of the site plan by Site Plan Review Committee, the site plan shall be amended to reflect the required 25' PUD buffer.
3. 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.
4. The property owner shall convey for the ultimate right of way of:
 - a) El Clair Ranch Road, 54 feet from centerline and
 - b) Jog Road, 40 feet east of north-south section line; all conveyances must be within 90 days of approval and must be accepted by Palm Beach County prior to issuance of the first building permit.
5. The developer 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. Presently The Fair Share Fee for this project is \$65,675.00.

In addition, based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$132,325.00 toward Palm Beach County's existing road way Improvement Program, to be paid in the form of a clean irrevocable letter of credit. This letter of credit shall be posted within 14 months of Special Exception or prior to the recording of the second plat, whichever shall first occur. These funds shall be used to construct roadway improvements in the area including Boynton Beach Blvd. These monies shall be credited toward the Fair Share Impact Fee; however, prior to the letting of the contract for the ~~four-laning~~ of Boynton Beach Blvd., surety must be posted with the County in an amount equivalent to \$200 per Multi-Family Unit and \$300 per Single-Family Unit constructed prior to the letting of the road contract at the time of issuance of the Building Permit, which shall be returned to the developer upon the letting of the contract.

6. Construct concurrent with the improvements of the first plat:
 - a) Left turn lane, east approach and a right turn lane, west approach on Boynton Beach Boulevard at Hagen Ranch Road,
 - b) Right turn lane, north approach on Hagen Ranch Road at Boynton Beach Boulevard.
 - c) Right turn lane, north approach on Boynton Beach

Boulevard at the project's entrance road.

- d) Signalization at the intersection of **Hagen** Ranch Road and Boynton Beach Boulevard, when warranted, as determined by the County Engineer.

7. The developer shall accept the stormwater runoff of the adjacent roads (the 50 foot road right of way on the south side of the subject site, Jog Road, and El Clair Ranch Road), through the internal lake system of this project. Drainage plans shall be reviewed subject to all applicable government standards.

8. This development shall be limited to 100 Building Permits until Boynton Beach Boulevard is four-laned from Congress Avenue to Military Trail.

9. LWDD will require the 75 feet of right-of-way as shown on the survey for the subject parcel, for the required right-of-way for Lateral Canal NO. 25. Conveyance shall be by quit claim or easement deed.

10. Reasonable precautions shall be exercised during site development to insure that unconfined **particulates** (dust particles) do not become a nuisance to neighboring properties.

11. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

12. The Developer shall construct concurrent with improvements of the first plat, however in no case later than one (1) year after Special Exception approval, a two-lane structure over the LWDD L-26 Canal on El Clair Ranch Road, per the County Engineer's approval. Said construction shall also include the construction of El Clair Ranch Road from the present northern paved terminus of Indian Springs P.U.D., north to the existing paved portion of El Clair Ranch Road.

The Developer shall receive credit toward the **\$198,000.00**, as outlined in Condition No. 5 above, based upon a certified cost estimate from the Developer's Engineer, subject to approval by the County Engineer.

13. The Developer shall provide paved access through this proposed development to the four lots not included in the southwest corner.

14. The property owner shall convey additional right-of-way to provide for a fifty (50) foot local street along the project's south property line from Jog Road east, adjacent to the four not included lots, on an alignment approved by the County Engineer. This additional right-of-way shall be conveyed within ninety (90) days of Special Exception approval. Conveyance must be accepted by Palm Beach County prior to the issuance of a building permit.

15. The Developer shall construct a left turn lane, south approach, and a right turn lane, north approach, on El Clair Ranch Road at the project's entrance road, concurrent with the construction of the project's entrance road on El Clair Ranch Road.

16. The Petitioner shall provide \$250.00 per dwelling unit (total P.U.D. dwelling unit count of 284 units) for a total of **\$71,000.00** in the form of a clean, irrevocable letter of credit in favor of the School Board of Palm Beach County for school site acquisition and/or site related improvements. This letter of credit shall be provided in a form acceptable to the School Board within ninety (90) days of the date of the adoption of the Rezoning and P.U.D. Special Exception resolution for the subject project.

Commissioner **Koehler** moved for approval of the petition. The motion was seconded by Commissioner Bailey, and

upon being put to a vote, the vote was as follows:

Ken Spillias, Chairman	--	ABSENT
Dorothy Wilkens, Vice Chairman	--	AYE
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of *September 11, 1984* confirming action of the 29th of June 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK, .

BY: *Charlene Harris*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Charles H. [Signature]
County Attorney