

RESOLUTION NO. R-85-1225

RESOLUTION APPROVING ZONING PETITION 85-42, 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. 85-42 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th June 1985; 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. This proposal is consistent with the requirements **of** the Comprehensive Plan and Zoning Code.
2. Petitioner has voluntarily agreed to provide the School Board of Palm Beach County \$56,750.00 representing \$250.00 **for** each of the 227 dwelling units in the subject development. These funds shall be used by the School Board of Palm Beach County for school site acquisition and/or site related improvements, to alleviate schools serving the area of Palm Beach County in which the P.U.D. is located.
3. Payment shall be made in full to the School Board of Palm Beach County at time of issuance of the first residential building permit within the P.U.D..

BOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of June 1985, that Petition Bo. 85-42 the petition of COLONY ASSOCIATES, A FLORIDA GENERAL PARTNERSHIP By Richard Orman, Agent for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the South 1/2 of Section 28, Township 41 South, Range 42 East and the North 1/4 of Section 33, Township 41 South, Range 42 East, Less the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of

the Northeast 1/4 thereof. Said property located on the north side of proposed Hood Road, approximately 2.5 miles west of Military Trail (S.R. 809), approximately .2 mile south of Donald Ross Road was approved as advertised subject to the following conditions:

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) **from** this property do not become a nuisance to neighboring properties.
2. Lots shall not be platted into the wetlands.
3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
4. Platting shall include placement of a 5' wide limited access easement along Jog Road.
5. Prior to site plan certification a revised Master Plan shall be submitted indicating the natural areas boundaries delineated to include acreage calculations.
6. 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.
7. The property owner shall convey for the ultimate right-of-way of Jog Road, 120' right-of-way.

Within 90 days of adoption of the Resolution by the Board of County Commissioners; and conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit. Alignment maps for this additional right-of-way shall be furnished by the Developer and accepted **by** Palm Beach County within 60 days of adoption of the resolution of the Board of County Commissioners.

8. The Petitioner shall provide Palm Beach County with a road drainage easement with sufficient capacity **for** retention/detention through this project's internal lake system to legal positive outfall for the road drainage of Hood Road and Jog Road. This drainage easement shall be subject to all governmental agency requirements.

9. 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. The Fair Share Fee for this project presently is \$215,738.00.

10. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$53,935.00 toward Palm Beach County's existing Roadway Improvement Program, to be paid prior to December 31, 1985.

If the Fair Share Contribution for Road Improvements Ordinance is further amended to increase the Fair Share Fee, this additional amount shall be credited toward the increased Fair Share Fee.

11. The Developer shall construct at the project's entrance on Jog Road left and right turn lanes concurrent with the construction of Jog Road.

12. The Property Owner/Developer shall obtain a minimum of 108 foot right-of-way for Hood Road **from** Jog Road to the existing right-of-way terminus of Hood Road to the east. This right-of-way shall be conveyed, executed, accepted and recorded by Palm Beach County prior to the Site Plan Certification of the Master Plan. The property

owner shall construct a 2 lane section **for:**

- a) Hood Road from its present 2 lane terminus west to Jog Road.
- b) Jog Road from Hood Road north to the project's north property line. This construction may be phased per the County Engineer's approval.

13. The Developer shall be permitted a maximum of 77 building permits until the contract has been let **for** Military Trail to be four-laned from Hood Road to PGA Boulevard.

14. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

15. The civic site area shall be maintained as a natural preserve area by the Homeowner's Association. No paving or structures requiring foundations shall be placed in this area.

16. Prior to approval of any modifications to the master plan by Site Plan Review Committee, the petitioner shall present evidence of the review and concurrence of the South Florida Water Management District Staff to such modifications.

Commissioner Owens, moved for approval of the petition. The motion was seconded by Commissioner Marcus, and upon being put to a vote, the vote was as follows:

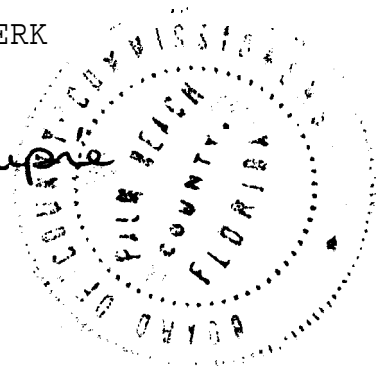
Ken Adams, Chairman	-- Aye
Karen T. Marcus, Vice Chairman	-- Aye
Kenneth Spillias, Member	-- Nay
Jerry L. Owens, Member	-- Aye
Dorothy Wilken, Member	-- May

The foregoing resolution was declared duly passed and adopted this 13th day of August confirming action of the 27th June 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupre  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Sprague  
County Attorney