

RESOLUTION NO. R-85-1441

RESOLUTION APPROVING ZONING PETITION 85-76, 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. 85-76 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th July 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 25th of July 1985, that Petition No. 85-76 the petition of JULES S. MINKER AND WILLIAM H. PLANK for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on Tracts 97 thru 104, inclusive and Tracts 121 thru 128, inclusive, Block 9, Palm Beach Farms Company Plat No. 1, in Sections 9, and 10, Township 46 South, Range 42 East, as recorded in Plat Book 2, Page 27, LESS the Right-of-way for Hagen Ranch Road as shown on Palm Beach County Engineering Department Drawing No. 3-56-027, Sheet 3 of 8 Sheets. Together with:

The South 1/2 of the Southwest 1/4 of Section 10, Township 46 South, Range 42 East. Said property located on the north side of Sims Road, being bounded on the west by Hagen Ranch Road and on the east by Jog Road was approved as advertised subject to the following conditions:

1) Prior to site plan certification:

- a) The Master Plan shall be revised to reflect the percentage of gross acres allocated for open space and residential land uses.
- b) The Master Plan shall be revised to describe the features of the recreation package.
- c) Master planned areas designated for zero lot line patio home development pursuant to Zoning Code Section 500.21.K.4.C. (P.U.D. , SINGLE FAMILY DETACHED DESIGN PATIO-HOME), shall be site planned in a manner so as to simultaneously accommodate existing and created views and vistas, and the required outdoor privacy spaces.

2) 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.

3) The property owner shall convey for the ultimate right-of-way of:

- a) Hagen Ranch Road, 40 feet from existing centerline of pavement
- b) Sims Road, the additional right-of-way necessary to provide for an 80' right-of-way
- c) Proposed Jog Road, 120' ultimate right-of-way - 60' from centerline

All 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.

4) The property owner shall construct:

- a) Left Turn Lane North Approach and Right Turn Lane South Approach on Hagen Ranch Road at the project's entrance road,
- b) Left Turn Lane South Approach on Jog Road at the project's entrance road.

All concurrent with the construction of the project's entrance roads. As an alternative, should this construction not be feasible per the County Engineer's approval, this property owner may substitute a cash payment for the cost of these turn lanes based upon a Certified Cost Estimate per the County Engineer's approval.

5) The property owner shall provide Palm Beach County with a road drainage easement with sufficient retention/detention capacity through this project's internal lake system to legal positive outfall for the road drainage of Hagen Ranch Road, Jog Road, and Sims Road.

This drainage easement shall be subject to all governmental agency requirements.

6) 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 \$540,965.00.

7) Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$135,241.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$676,206) to be paid with 18 months of Special Exception Approval. Credit for one half (1/2) of the Jog Road construction as outlined in Condition Number 19, shall be subtracted from these total funds as well as all of Condition Numbers 9,11, and 12 per the County Engineer's Approval based upon a certified cost estimate from the developer's engineer.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$135,241.00 shall be credited toward the increased Fair Share Fee.

8) Performance Security acceptable to the County Attorney's Office required for the off-site roadwork as outlined in Condition Numbers 9, 10, 11, and 12, shall be posted with the Office of the County Engineer within six (6) months of Special Exception Approval.

9) The property owner shall provide the Construction Plans for Jog Road as a four (4) lane, median divided section expandable to six (6) lanes from the north property line south to the existing four lane terminus, north of Delray West Road. These Construction Plans shall be per the County Engineer's Approval based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These Construction Plans shall be completed within 6 months of Special Exception Approval.

10) The property owner shall construct Jog Road as a four (4) lane, median divided section per the above Condition Number 9. This construction shall be completed within 18 months of Special Exception Approval or prior to the issuance of a building permit whichever shall first occur.

11) The property owner shall provide construction plans and construct Sims Road as a two (2) lane section from Jog Road west to Hagen Ranch Road. This construction shall be completed within 2 years of Special Exception Approval or prior to issuance of the 1st building permit, whichever shall first occur; or when required for paved continuity for Sims Road as determined by County Engineer. This construction shall include left and right turn lanes on all approaches at the intersections of:

(a) Hagen Ranch Road and Sims Road and,

(b) Sims Road and Jog Road.

The construction plans shall be per the County Engineer's Approval based upon Palm Beach County's Minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed within 12 months of Special Exception Approval.

12) The property owner shall provide Palm Beach County with all associated Right-of-way documents, including but not limited to, surveys, property owner's maps, legal descriptions for acquisition, parcelled Right-of-way maps, required for the acquisition of Right-of-way for Jog Road as a 120' ultimate section from the northern terminus north, Delray West Road north to the project's north property line. This right-of-way shall be obtained within 12 months of Special Exception Approval. This right-of-way shall be funded by the developer under separate agreement with the Right-of-way Section.

The property owner shall provide all associated right-of-way documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, required for right-of-way acquisition for Sims Road, from its present paved westerly terminus to Jog Road. These above documents shall be delivered to the Engineering Department within four months of Special Exception Approval.

13) 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.

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

15) The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

16) Petitioner shall dedicate the 3.2 acre school site to the Board of County Commissioners for use as a school or recreational/park site within twelve (12) months of Special Exception approval.

17) Petitioner shall reserve for three years the 4.3 acre school site as shown on the Master Plan. This property shall be reserved for a school site, and shall be conveyed to the Palm Beach County School Board for school site purposes at no cost to the School Board if the School Board requires the land for a school site.

18) The Developer shall construct a pedestrian trail/bike path within the ultimate right-of-way for **Sims** Road.

19) The Developer will construct Sims Road from Jog Road to the western boundary of the Villa Delray development at the time Sims Road is constructed west of Jog Road pursuant to Condition 11, as long as Palm Beach County acquires the necessary right-of-way. If the County does not acquire this right-of-way at the time the contract is let for the construction pursuant to Condition 11, the Developer will be relieved of this condition.

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

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

The foregoing resolution was declared duly passed and adopted this 17 day of September confirming action of the 25th July 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jean Ann Ellinger
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Judy Boyer
County Attorney