

RESOLUTION NO. 85-1876BB

RESOLUTION APPROVING ZONING PETITION 85-109, 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. 85-109 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd August 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. With limitations on building permit issuance, linked to thoroughfare improvements, this proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. The School Board of Palm Beach County has demonstrated that the schools serving this petition are operating at or above capacity. The School Board has demonstrated that plans exist for the provision of additional school plants to alleviate overcrowding and to house new students generated by new residential growth. The subject petitioner has volunteered to participate in the School Site Acquisition Program by contributing \$250.00 for each dwelling unit within the subject PUD. Such funds to be used **by** the School Board for the acquisition of new sites, and/or the expansion of facilities serving the subject petition.
3. Payment in full shall be made to the School Board of Palm Beach County within 180 days from the date of approval of the resolution approving the subject PUD.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 23rd of August 1985, that Petition No. 85-109 the petition of THE ENGLE GROUP INC. By F. Martin Perry, Attorney for a

SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the East 1/2 of the Southwest 1/4 of Section 29, Township 41 South, Range 43 East, Less the South 40 feet thereof. Said property located on the northwest corner of the intersection of Prosperity Farms Road and Hood Road in an RS-Residential Single Family District. was approved as advertised subject to the following conditions:

1. Prior to master plan certification the master plan shall be revised to reflect the following:

a) Revision of housing type designation to include category type a, b, or c, pursuant to code Section 500.21.B.3.d.2.a,b, and c, and indicate number of units within the smallest and largest townhouse clusters for the PUD subunits "D" and "C".

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) Hood Road, 93 feet north of the section line,
b) Prosperity Farms Road, 66 feet west of the North/South 1/4 section line,

within 90 days of adoption of the Resolution by the Board of County Commissioners; 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 south approach and a right turn lane north approach on Prosperity Farms Road at the project's entrance road concurrent with the construction of the project's entrance road onto Prosperity Farms Road.

5. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of Hood Road and Prosperity Farms Road for a minimum 400 ft. distance each side of the property boundary lines along Hood Road and Prosperity Farms Road. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the road drainage runoff and 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 \$217,080.00. Impact fee based on 3.7

du/acre.

Based on the Traffic Performance Standards (Category "B"), the developer shall contribute \$54,270.00 towards roadway improvements in the appropriate Impact Fee Zone. These funds (\$271,350.00) shall be paid prior to June 1, 1986.

7. The density shall be limited to three point eight (3.8) dwelling units per acre.

8. Reasonable measures shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

9. Reasonable measures shall be employed during site development to

insure that no pollutants from this property shall enter adjacent or nearby surface waters.

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

11. The petitioner shall construct a bike path on the west side of Prosperity Farms Road from the project's main entrance south to Lone Pine Road. Construction shall conform to County Engineer's specifications.

12. The petitioner shall develop and carry out a relocation plan for gopher tortoises on the site. This plan shall be presented to the Parks and Recreation Department for approval.

13. The developer shall preserve significant native vegetation wherever possible, or relocate such vegetation. Appropriate measures shall be taken during the construction process to protect preservation areas.

14. All units shall be of the Single Family Design or Single Family Detached Design - Patio Home types, according to the standards set out in Section 500.21 of the Zoning Code.

Commissioner **Marcus** , moved for approval of the petition. The motion was seconded by Commissioner **Adams** , 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	--	AYE
Jerry L. Owens, Member	--	ABSENT
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 19th day of NOVEMBER 1985 confirming action of the 23rd August 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: [Signature]
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney