

RESOLUTION NO. R- 86-132

RESOLUTION APPROVING ZONING PETITION 85-149, 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. 85-149 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 31st October 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. The School Board of Palm Beach County has demonstrated that the schools serving Petition 85-149, Persian Gardens P.U.D., are operating at or above capacity and that plans exist for additional facilities to alleviate overcrowding and to house additional students generated by new residential growth. The petitioner has agreed to participate in the School Board's Site Acquisition Program by contributing \$250.00 for each dwelling unit within subject P.U.D.. Funds will be used by the School Board for the acquisition of sites, and/or the construction of facilities serving subject petition.
3. Payment in full shall be due the School Board of Palm Beach County within 180 days of the date of the resolution approving the subject P.U.D..
4. Petitioner shall enter into a formal agreement with the School Board to assure timely payment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 31st of October 1985, that Petition No. 85-149 the petition of FLORIBERTO LAGUNA By Buell C. Rollins, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT commencing at a

point in the West line of Section 12, Township 45 South, Range 42 East, 904.25 feet North of the Southwest corner of Section 12; thence go in an Easterly direction at an angle of 90 degrees, a distance of approximately 653 feet, to a point; thence in a Southerly direction that intersects to a point on the South line of said Section 12, which is a distance of 653.16 feet East of the Southwest corner of said Section 12, to a point; thence Westerly along the South line of said Section, to the Point of Beginning. Said description being the South 904 feet of the premises that were conveyed by Flor-Evan, Inc. to Nelson A. Marton and Halen L. Morton, his wife, by deed dated June 27, 1963 and filed August 9, 1963 in Official Record Book 911, Page 13. Said property located on the east side of Haverhill Road, approximately .8 mile south of Hypoluxo Road and being bounded on the south by the L.W.D.D. Lateral Canal No. 20 was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the Master Plan will be revised to correspond to the designated housing categories of Section 402.7.3.2. of the Zoning Code.
2. 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.
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. 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.
5. The property owner shall convey for the ultimate right-of-way of Haverhill Road, 40 feet from centerline 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.
6. The property owner shall construct a left turn lane north approach and a right turn lane south approach on Haverhill Road at the project's entrance road, concurrent with the construction of the project's entrance road onto Haverhill Road.
7. 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 Haverhill Road along the property frontage and for a minimum 400 foot distance each side of the property boundary lines along Haverhill Road. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements.
8. 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 \$44,944.00 (559 trips X \$80.40 per trip).

9. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$11,236.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$56,180.00 ) to be paid prior to October 1, 1986 or prior to the issuance of a Building Permit whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$11,236.00 shall be credited toward the increased Fair Share Fee.

10. The petitioner shall convey to the Lake Worth Drainage District the south thirty-five (35) feet of the subject property for the required right-of-way of Lateral Canal No. 20, by Quit Claim Deed or an Easement Deed in the form provided by said District, within ninety (90) days of approval of the resolution by the Board of County Commissioners.

11. The project entrance road shall be aligned with Arbor Glen P.U.D.

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, legal descriptions for acquisition, parcelled right-of-way maps, required for the acquisition of any missing right of way for Haverhill Road from Le Chalet to project's north property line as an 80 foot section.

13. The right-of-way described in Condition No. 12 shall be obtained prior to the recording of the first plat. This property owner shall enter into a written agreement with the Land Acquisition Section concurrent with the improvements for the first plat. This property owner shall fund all required costs.

14. The property owner shall construct any remaining unconstructed portion of Haverhill Road as a 2 lane section (30 feet of pavement with curb, gutter, and sidewalk or bike path) from Le Chalet Boulevard north to the project's north property line. This construction shall be concurrent with the filing of the first plat or when required by the County Engineer for paved continuity whichever shall first occur. No credit for the impact fee shall be given for this road construction. This construction shall include ultimate drainage design and cross section to be at the sole discretion of the County Engineer.

15. Surety required for the offsite road improvements as outlined in Condition # 12, # 13, and #14 shall be posted with the Office of the County Engineer prior to January 1, 1986.

16. The property owner shall install signalization if warranted as determined by the County Engineer at Haverhill Road and Le Chalet Boulevard. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

17. Petitioner shall revise the proposed Master Plan to provide for a minimum of:

- a) 30 foot for the proposed parking tracts,
- b) 95 foot center line radius on all right of way curves,

18. The property owner shall construct an eight (8) foot wide bike path from Le Chalet Boulevard to the project's north property line.

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

20. The petitioner shall comply with prospective amendments to the Palm Beach County Landscape Code, should those amendments be enacted prior to the issuance of building permits for this project.

21. The developer shall construct a combination of berming and landscaping within the twenty-five (25) foot landscape strip along Haverhill Road.

Commissioner Spillias, 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:

Ken Adams, Chairman	--	ABSENT
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 day of FEB 11 1986 confirming action of the 31st October 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
County Attorney