

RESOLUTION NO. R- 86-233

RESOLUTION APPROVING ZONING PETITION 85-141, 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. 85-141 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th December 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 4th of December 1985, that Petition No. 85-141 the petition of AMERICAN REAL ESTATE TRADING, INC., PAUL SHRANKL, AND PETER BOESE By Robert A. Bentz, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT, INCLUDING PRIVATE UTILITY SERVICES on a Parcel of Land lying in Sections 16 and 17, Township 43 South, Range 40 East being Lot 14 through 67 and Lots 104 through 135 of "Deer Run Plat No. 2" as recorded in Plat Book 44, Pages 171-173. Said property located on the south side of Osceola Road, approximately 13 miles west of Florida's Turnpike and approximately 3 miles north of S.R. 80 was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:

a) A twenty-five (25) foot PUD buffer will be reflected between the proposed golf areas and the adjacent properties.

b) Relocation of the right of way from the required twenty-five (25) foot buffer.

2. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

3. 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.

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

5. Petitioner shall provide, subject to approval of County Attorney's office, proof of cross-access and drainage easements as well as an agreement for the continued maintenance of said easements, between the Deer Run Property Owners' Association, Inc. and the petitioner, his successors and assigns. Proof of recording these documents shall be submitted prior to recordation of the first plat.

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 construct a left turn lane, south approach on Seminole Pratt-Whitney Road at Osceola Road.

8. 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 would presently be \$154,931.00 (1,924 trips X \$80.40 per trip).

9. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$38,733.00 toward Palm Beach County's existing Roadway Improvement Program. These additional funds of (\$38,733.100) shall be paid prior to November 1, 1986.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$38,733.00 shall be credited toward the increased Fair Share Fee.

10. Cross drainage easements with Deer Run shall be recorded prior to Site Plan approval.

11. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:

a) No more than 137 building permits shall be issued until the contract for construction has been let for Southern Boulevard as a 4 lane section from Royal Palm Beach Boulevard to S.R. 700 plus the appropriate paved tapers.

12. The property owner shall install signalization if warranted as determined by the County Engineer on Southern boulevard. Should signalization warrants not be met after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

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

14. All property included in the legal description of this Zoning

Petition shall be subject to a Declaration of Restrictions and Covenants, acceptable to County Attorney's office, which shall provide, among other things, for the following: Formation of a single "master" property owners' association, and automatic membership in the "master" property owners' association by any party holding title to any portion of the property included in the P.U.D.

15. If the Board of County Commissioners determines public utilities should be provided to this area, the owners shall be required to bear the expense of connecting to utility services. This requirement shall be reflected in deed restrictions, or property owners' association documents, acceptable to the office of the County Attorney, prior to platting.

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

The foregoing resolution was declared duly passed and adopted this 25th day of February, 1986 confirming action of the 4th December 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia A. Weaver  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Andy Ingram  
County Attorney