

RESOLUTION NO. R- 86-491

RESOLUTION APPROVING ZONING PETITION 85-170, 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. 85-170 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 3rd January 1986; 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 3rd of January 1986, that Petition No. 85-170 the petition of ELLISH BUILDERS, INC. , By Kenneth **H** Kruger , Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land situate in Section 25, Township 47 South, Range 41 East, and being a portion of Lots 6-11 inclusive, as shown on The Florida Fruit Lands Company's Subdivision No. 2, as recorded in Plat Book 1, Page 102, depicting the subdivision of said Section 25, together with the vacated road right-of-way lying to the South per resolution of vacation recorded in Official Record Book 1841, Page 1960 through 1963, and being more particularly described as follows:

Beginning at the intersection of the South line of said Lots 8 & 9 and the existing Westerly right-of-way line of U.S. 441 (State Road 7) , said right-of-way being 75.00 feet in width; thence South 00

degree 35'06" East, along said Westerly right-of-way line, a distance of 30.00 feet; thence South 88 degrees 42'36" West along the Southerly right-of-way line of said vacated right-of-way being 30.00 feet in width, a distance of 1577.29 feet; thence North 00 degree 48'42" West a distance of 910.05 feet; thence North 88 degrees 42'41" East, a distance of 1580.89 feet to said Westerly right-of-way line of U.S. 441 (State Road 7); thence South 00 degree 35'06" East, a distance of 880.84 feet to the Point of Beginning. Said property located on the west side of U.S. Highway 441 (S.R. 7), approximately 0.3 mile south of Palmetto Park Road was approved as advertised subject to the following conditions:

1. Prior to Master Plan certification the effect of the lake upon the abutting cypress preserve shall be determined by South Florida Water Management District in order to insure the survival of the dome.
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 S.R. 7, 200 feet west of the existing east right-of-way line of S.R. 7 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 right turn lane, north approach and a left turn lane, south approach on S.R. 7 at the project's entrance road concurrent with the construction of S.R. 7 as a 4 lane median divided section. This property owner shall be fiscally responsible for any change order associated with these change orders.
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 S.R. 7 along the property frontage and for a maximum 300 ft. distance each side of the property boundary lines along S.R. 7. 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 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 \$86,572.00 (1,079 trips x \$30.40 per trip).
9. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute \$21,643.00 toward Palm Beach County's existing Roadway Improvement Program, these funds of (\$21,643.00) to

be paid prior to June 1, 1986.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this amount of \$21,643.00 shall be credited toward the increased Fair Share Fee.

10. The property owner shall install signalization if warranted as determined by the County Engineer at S.R. 7 and the projects entrance road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

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 105 building permits shall be issued until the Contract for the Construction for SR7 has been let as a 4 lane section from project's entrance road to Palmetto Park Road plus the appropriate paved tapers.

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

13. Protection of the cypress wetlands, the lake slopes and depths, and creation of a littoral zone around the proposed lakes shall be carried out pursuant to South Florida Water Management District standards and subject to that agency's approval.

14. The property owner shall construct a combinatin pedestrian boardwalk/bikeway linking the cypress preserves (located on the south side of the PUD) to provide student access to the Coral Sunset Elementary School which is located adjacent to the PUD's west property line.

15. The property owner shall participate, in cooperation with the South Florida Water Management District and the Florida Freshwater Fish and Game Commission, the development of an environmental learning center (as defined and shown on the drawing of record) on the adjacent lake area of Coral Sunset.

16. The property owner shall construct a continuation of the pedestrian passageway on the south side of the school property, along the lake area, for students from the subject PUD to access the Coral Sunset Elementary School.

17. All property included in the legal description of this Zoning Petition shall be subject to a Declaraton of Restrictions and Covenants, acceptable to the County Attorney's office of 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.

18. 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.

Commissioner Owens , 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 :

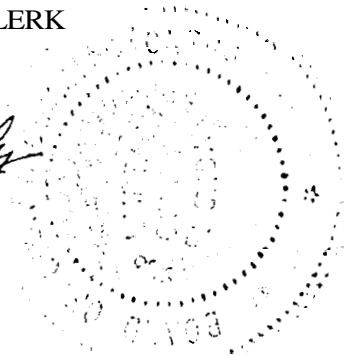
Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted
this 8th day of April, 1986 confirming action of the 3rd January
1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara O. Kelly*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney