

RESOLUTION NO. R- 87-107

RESOLUTION APPROVING ZONING PETITION 86-58, Special Exception

WHEREFIS, 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

WHEREFIS, Petition No. 86-58 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 24, 1986 and

WHEREFIS, 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

WHEREFIS, the Board of County Commissioners made the following findings of fact:

1. *With* Master Plan modification, this proposal will be 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 27th day of January, 1987, that: Petition No. 86-58, the petition of ORIOLE HOMES CORPORATION By Ken Kruger, Agent, for the SPECIFIC EXCEPTION TO ALLOW R PLANNED UNIT DEVELOPMENT on a portion of Florida Fruit Lands Company's Subdivision No. 2 of Section 25, Township 47 South, Range 41 East, according to the plat thereof, as recorded in Plat Book 1, Page 102 and a portion of Section 26, Township 47 South, Range 41 East, more particularly described as follows: Commence at the Northeast corner

County Landscape Code and this condition shall be filed prior to the First site plan approval.

- 13. All property included in the legal description of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the Attorney's Office of Palm Beach County. The Declaration shall provide for the formation of a single "master" property owner' association, and automatic membership in the "master" association by any party holding title to any portion of the property included in the P.U.D.
- 14. Maximum residential density shall be limited to a total density of 3.5 dwelling units per acre. The petitioner shall be limited to a maximum of 310 units consisting of a maximum 32 single family detached units with the balance of 278 units being constructed as multi-family units,

Commissioner Wilken, 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:

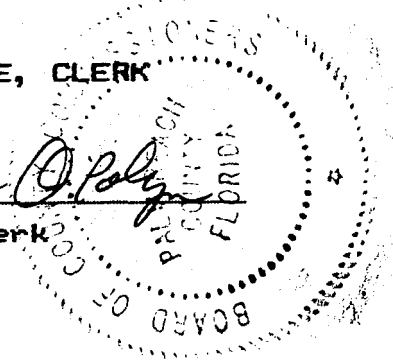
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Ken Spillias, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Kenneth M. Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 27th day of January, 1987 confirming action of July 24, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara D. Polyzos*
Deputy Clerk



APPROVED AS TO FORM
FIND LEGAL SUFFICIENCY

[Signature]
County Attorney

on the South by a line 990.28 feet North of and parallel with the South boundary of said Section-26; and on the West by a line 339.00 feet West of and parallel with said East boundary of Section 26. Said property located on the northwest corner of the intersection of U.S. Highway 441 (S.R. 7) and Oriole Country Road, and also on the south side of Oriole Country Road, approximately 1 mile west of U.S. Highway 441 (S.R. 7) was approved as advertised subject to the following conditions:

1. Prior to master plan certification, the master plan shall be amended to reflect the following:
 - a) required number of trees to be preserved or planted.
 - b) an increase in the size of the recreation area from 2.0 acres to 3.0 acres.
2. The developer shall preserve existing native vegetation, particularly cypress and slash pine, and shall show said vegetation upon the approved development plan prior to master plan certification. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase as provided in Zoning Code Section 500.36 (Vegetation Protection and Preservation).
3. 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. The drainage system shall be maintained in an acceptable condition per the County Engineers approval.
4. The property owner shall convey for the ultimate right-of-way of SR7, 200 feet west of the existing east right of way line of SR7 within 90 days of the approval of the Resolution approving this project.
5. The property owner shall construct:
 - a) Left turn lane, west approach and a right turn lane, east approach on Oriole Country Road at Keystone Street, Hammock Street and Sleepy Brook Way.
 - b) Keystone Street from Oriole Country Road north to existing paved terminus south of Palmetto Park Road. This construction shall include an 8 (eight) foot asphalt Bike Path,
 - c) Left turn lane, north approach on Keystone Street at Oriole Country Road.
 - d) The median opening on Oriole Country Road at the project's first entrance west of Hammock Street.
 - e) Left turn lane, east approach on Oriole Country Road at the project's first entrance road east of Hammock Street.

all concurrent with the construction of the project's roads onto Oriole Country Road.

6. 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 Keystone Street and Hammock Street along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff.

7. The property owner shall:

a) 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 9181,222 (2,254 trips x 980.40 per trip).

b) Contribute \$90,611 toward Palm Beach County's existing Roadway and Drainage Improvement Program based on the Traffic Performance Standards (Category "A").

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$90,611 shall be credited toward the increased Fair Share Fee.

8. The property owner shall:

a) Construct Hammock Street as a two (2) lane section from Oriole Country Road North to the existing paved terminers South of Palmetto Park Road including a left turn lane, north approach on Hammock Street at Oriole Country Road.

The contract for this construction shall be awarded prior to January 1, 1987, or prior to the issuance of 100 Building Permits, whichever shall first occur.

b) Provide construction plans for a closed canal system (piping) of Mission Bay, Palmetto Pines, and Boca Woods outfall from the Hillsboro Canal north to a point 1,500+ feet. These construction plans shall be completed within three (3) months of the adoption of the Zoning resolution by the Board of County Commissioners. Plan costs shall be approved by the County Engineer,

This construction of Hammock Street and construction plans for piping shall be credited toward the 990,611 as outlined in the above condition.

Note: Any damage to the existing paved pedestrian way during construction of Hammock Street shall be repaired by the developer.

9. 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 152 building permits shall be issued until the right of way is available for construction,

permits have been obtained, and the contract for the construction of SR7 has been let from Glades Road to the Froward County Line plus any appropriate tapers (all certified by the County Engineer).

- b) No more than 207 building permits shall be issued until Glades Road has been 4 laned from SR7 to Lyons Road plus the appropriate paved tapers.

10. The property owner shall install:

- a) Signalization at Oriole Country Road and Keystone Street
- b) Signalization at Oriole Country Road and Hammock Street or traffic control devices at the intersection of Oriole Country Road and Hammock Street per the County Engineer, s and School Board' s approval.
- c) Signalization at SR7 and Oriole Country Road.

Should any of the above not be warranted after 12 months of the final Certificate of Occupancy, this property owner shall be relieved from this condition.

11. Developer shall construct an 8 foot asphalt bike path along the project frontage on the north side of Oriole Country Road concurrent with the improvement within the first plat.

12. Along the northern property line where the proposed multi-family development abuts existing single family, the required 25 foot perimeter buffer shall be designed to include:

- a) A continuous landscape screen which meets the minimum requirements of the Palm Beach County Landscape Code and this condition.
- b) Existing native and benign exotic vegetation shall be preserved within the perimeter buffer as required by the Palm Beach County Zoning Code Section 500.36 (Vegetation Protection and Preservation).
- c) Existing Brazilian Pepper and other prohibited plant species infesting the perimeter buffer shall be removed in an environmentally sound manner as determined by the Zoning Division.
- d) Sufficient vegetation which conforms to the Palm Beach Recommended Species List shall be planted within the buffer in order to replace prohibited weed species with desirable plant material. This buffer shall be planted so as to create a natural visual screen. This planting shall consist of a berm or hedge or combination thereof to be planted at a minimum height of 30 inches and maintained a minimum of six (6) feet at maturity, These plantings shall be supplemented with canopy trees in order to create shade and provide visual interest for adjacent properties. The buffer shall provide a natural visual screen within two (2) years.
- e) A landscape plan which conforms to the Palm Beach

of said Section 25; thence South 87 degrees 08'00" West, along the North boundary of said Section, 65.25 feet; thence South 00 degree 52'29" East, along the West right-of-way line of U.S. 441 (State Road 7), as shown on Road Plat 1, Pages 35 through 41, 2777.12 feet to the Point of Beginning; thence continue South 00 degree 52'29" East, along said West right-of-way, 964.78 feet to a point on the right-of-way line of Oriole Country Road, as described in Right-Of-Way Deed, recorded in Official Records Book 2694, Page 497, thence South 88 degrees 55'19" West, along said right-of-way line, 99.00 feet; thence North 00 degree 52'29" West, along a line 99.00 feet West of and parallel with said West right-of-way line, 24.91 feet; thence South 44 degrees 01'25" West, 35.29 feet to a point on said right-of-way line of Oriole Country Road; thence South 88 degrees 55'19" West, along said right-of-way line, 6,335.42 feet, to a point on the East boundary of Boundary Plat of Oriole Country, as recorded in Plat Book 32, Pages 175 through 180, inclusive; thence North 01 degree 15'11" West, along said boundary 284.59 feet; thence North 89 degrees 41'26" East, 1336.23 feet, thence North 01 degree 15'30" West, 331.59 feet; thence North 88 degrees 38'36" East, 1288.61 feet; thence south 01 degree 02'58" East, 334.16 feet; thence North 88 degrees 45'27" East, along the North boundary of Tract 35 of said Florida Fruit Lands Company's Subdivision No. 2, a distance of 1316.15 feet; thence North 00 degree 59'33" West, along a line 15.00 feet East of and parallel with the West boundary of the Southeast 1/4 of said Section 25, a distance of 334.52 feet; thence North 88 degrees 35'38" East, along the North boundary of Tract 63 of said plat, 779.44 feet; thence North 00 degree 59'33" West, 336.43 feet; thence North 88 degrees 25'49" East, along a line 15.00 feet South of and parallel with the North boundary of said Southeast 1/4, 1,744.62 feet to the Point of Beginning. Together with: A portion of said Section 26 bounded as follows: On the North by the South right-of-way line of said Oriole Country Road; on the East by the East boundary of said Section 26;