

RESOLUTION NO. R-87-432

RESOLUTION IMPROVING ZONING PETITION 86-109, 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. 86-109 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 23, 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 required master plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

Petitioner shall enter into formal agreement with School Board to mitigate project's public school impact.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 24th day of March, 1987, that: Petition No. 86-109, the petition of WEST FIVEHILL ASSOCIATES, By LeRoy B. Sherman, III, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the South 1/2 of Tracts 17 and 18 and all of Tracts 31 and 32, of the Subdivision of Section 11, Township 43

South, Range 42 East, a5 recorded in Plat Book 20, at Page 53. Said property located on the west side of Haverhill Road, approximately 1 mile south of 45th Street (S.R. 702) 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. indicate the number of trees to be preserved or planted (862 trees are required)
  - b. indicate amenities within recreation parcel
  - c. indicate housing category types per Section 402.7 of the Zoning Code
  - d. a dead-end street less than 1,320 feet in length
  - e. a minimum of 1.8 acres of recreation land.
2. All property included in the legal description of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for formation of a single "master" property owner's 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.
3. Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on subject property.
4. This development shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of permit application, but as a minimum, the 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 Engineer's approval. In the event that the Drainage System is not adequately maintained to the satisfaction of the County Engineer, the matter shall be submitted to the Code Enforcement Board for review and possible citation.
5. The property owner shall convey for the ultimate right-of-way of Haverhill Road, 54 feet from centerline (approximately an additional four (4) feet within 180 days of the approval of the Resolution approving this project,
6. The property owner shall construct a left turn lane, south approach and a right turn lane, north 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 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 \$113,364.00 (1,410 trips X 38.40 per trip).

8. Eased on the Traffic Performance Standards (Category "B") the Developer shall contribute an additional \$28,341.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of 9141,705-00 are to be paid prior to June 1, 1987.

■ If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$28,341.00 shall be credited toward the increased Fair Share Fee.

9. Maximum residential density shall be limited to 4.7 dwelling units per acre-

Commissioner Spillias, 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	--	AYE
Jerry L. Owens	--	ABSENT
Ken Spillias	--	AYE
Dorothy Wilken	--	NAY
Kenneth M. Adams	--	AYE


The foregoing resolution was declared duly passed and adopted this 24th day of March, 1987 confirming action of October 23, 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jina M. Clodins  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
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County attorney