

RESOLUTION NO. R-87-522

RESOLUTION APPROVING ZONING PETITION 86-141, 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. 86-141 was presented to the Board of County Commiseionere of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 1, 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. With required manter plan modification, this proposal will be consistent with the requirements of the Comprehensive Plan and local land development regulations. The Palm Beach County Fire-Rescue Department has determined a need for a new fire station in this area. They request that the 3.74 acre civic site be dedicated to the county for this use.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 31ST day of March, 1987, that: Petition No. 80-204(A), the petition of ARTHUR J. AUGUST, TRUSTEE By Robert E. Basehart, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SHELL, SOIL AND OTHER EXTRACTIVE MATERIALS, PREVIOUSLY APPROVED UNDER

ZONING PETITION NO. 80-204, AND TO ALLOW A PLANNED UNIT DEVELOPMENT, INCLUDING AN ADULT CONGREGATE LIVING FACILITY on a parcel of land in Section 12, Township 44 South, Range 41 East, being more particularly described as follows: The Southwest 1/4 of said Section 12, Less the Southerly 173.00 feet thereof and Less the Easterly 40.00 feet thereof. Together with: All that part of Tracts 22 through 27, inclusive, of Block 18, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54, inclusive, being bounded on the South by the Northerly Right-Of-Way line of Forest Hill Boulevard as recorded in Official Record Book 2198, Pages 1200 and 1201 and being bounded on the East by the West line of the Easterly 255.91 feet of Tracts 22 and 27, Block 18, said Palm Beach Farms Company Plat No. 3. Note: Bearings shown hereon are relative to an assumed bearing of South 88 degrees 45'24" East along the South line of Section 12, Township 44 South, Range 41 East. Said property located on the north side of Forest Hill Boulevard (S.R. 882), approximately 900 feet west of Route 441 (S.R. 7) was approved as advertised subject to the following conditions:

1. Prior to master plan certification, the master plan tabular data shall be amended to reflect the following:
 - a. The required number of trees to be planted or preserved.
 - b. The acreage and dimensions of individual preservation area.
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. Abandonment of prior excavation activities:
 - a. Prior to master plan certification, reclamation plans for the excavation permitted under Petition No. 80-204 shall be certified by Site Plan Review Committee.
 - b. Prior to master- plan Certification, the Special Exception for Excavation (Petition No. 80-204) shall be abandoned administratively by the Site Plan Review Committee. This request for abandonment can be placed

upon the same agenda as application for certification of the Planned Unit Development master plan.

4. Prior to master plan certification:
 - a. a study shall be conducted of the environmental viability of the areas indicated as "preserves". The study shall be conducted by a five (5) person team consisting of the Senior Site Planner/Zoning, the Palm Beach County Urban Forester, the Director of the Palm Beach County Wilderness Island Survey and two persons selected by the petitioner. The study team shall visit the site, assess the extent and character of existing vegetation in each "preserve" area, and make a recommendation as to whether or not each site is sufficiently viable to be maintained as a functional habitat. The study team shall consider the reasonable likelihood that a site can be restored to viability through a program of planting native trees, understory and ground cover. The recommendation of the study team shall be by majority vote.
 - b. Those sites which are determined not to be viable may be eliminated from the Master Plan by Site Plan Review Committee. The area determined to be non-viable (up to 50 percent of the total set aside for preserves) shall be utilized as open space or recreation facilities in addition to the four (4) acres originally set aside on the master plan as recreation.
 - c. Sites continued as preservation areas on the Master Plan shall be restored or maintained according to the suggested restoration program or otherwise by law.
 - d. Preservation areas shall be platted concurrent with adjacent residential tracts.
 - e. Petitioner shall adopt a restoration program suggested by the Zoning Director as part of its vegetation protection permit special conditions for preservation areas.
5. The developer shall retain the stormwater runoff in accordance in all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. 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.
6. The property owner shall convey for the ultimate right-of-way of Forest Hill Boulevard, 120 total feet (60 feet from centerline) within 90 days of the approval of the Resolution approving this project.
7. The property owner shall construct concurrent with the 4 lane construction of Forest Hill Boulevard as outlined in the conditions below
 - a. left turn lane, west approach,

- b. right turn lane, east approach and
- c. left turn lane, north approach at the intersection of Forest Hill Boulevard and project's entrance roads

all concurrent with oneite paving and drainage improvements.

- 8. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of Forest Hill Boulevard along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Forest Hill Boulevard. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff.
- 9. 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 \$263,570.00 (3,025 trips X \$80.40 per trip and 760 trips X 526.79 per trip).

Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional \$131,785.00 toward Palm Beach County's 'existing Roadway Improvement Program. Any remaining funds after receiving credit from the 4 lane construction of Forest Hill Boulevard as outlined in condition No. 12 below from the \$395,353.00 are to be paid within 6 months of the completion of Forest Hill Boulevard.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$131,785.00 shall be credited toward the increased Fair Share Fee.

- 10. The petitioner shall convey to the Lake Worth Drainage District 80 feet east of the southwest 1/4 of Section 12-44/41. This will also cover a few feet on the west side of Tracts 24 and 25, Block 18 Palm Beach Farms Company Plat No. 3 for the required right-of-way for Canal No. S-5.
- 11. The developer shall provide construction plans for Forest Hill Boulevard as a 4 lane median divided section (expandable to 6 lanes) from the proposed 4 lane terminus west of S.R. 7 west to the existing 4 lane terminus east of South Shore Boulevard. These construction plans shall be prepared under the County Engineer's direction, with the plans to be complete and permits applied for by February 1, 1987.
- 12. The developer shall fund the construction of Forest Hill Boulevard as a 4 lane median divided section from the proposed 4 lane terminus west of S.R. 7 west to the existing 4 lane terminus east of South Shore Boulevard per the above Condition No. 11. This construction shall be concurrent with the proposed construction of the intersection of S.R. 7 and Forest Hill Boulevard which is anticipated to be constructed in the first quarter of 1987.

The developer's engineer shall provide a certified cost estimate for this construction and these funds shall be

provided to Palm Beach County upon request when required to construct this project. These funds shall be credited against the fair share fee funds required in Condition No. 9.

- 13. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to no building permits for more than 75 dwelling units until construction has begun for the 4 laning of Forest Hill Boulevard from S.R. 7 to the Wellington Planned Unit Development, including intersection improvements at Forest Hill Boulevard and S.R. 7.
- 14. The property owner shall install signalization if warranted as determined by the County Engineer at project, entrance road(s) and S.R.7. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, this property owner shall be relieved from this condition.
- 15. The developer shall dedicate the 3.74 acre Civic Site to Palm Beach County for public use.

Commissioner Adams , 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:

Karen T. Marcus	--	AYE
Jerry L. Owens	--	AYE
Carol Robert6	--	AYE
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	AYE

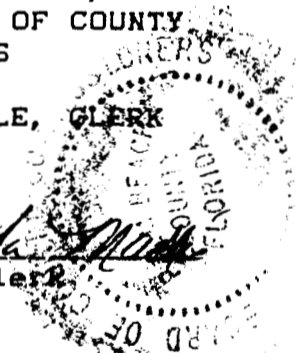
The foregoing resolution was declared duly passed and adopted this 31ST day of March , 1987 confirming action of December 1, 1986.

PALM BEACH COUNTY, FLORIM
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

[Signature]
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney