

RESOLUTION NO. R-88- 1213

**RESOLUTION APPROVING ZONING PETITION NO. 80-212(A)
SPECIAL EXCEPTION PETITION OF ADELENA PUEVEDO AND DELRAY, INC.**

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. 80-212(A) 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, 1987; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 80-212(A) the petition of ADELENA PUEVEDO AND DELRAY, INC., for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR A PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 80-212 ON JANUARY 29, 1981 (R-81-200, ADOPTED FEBRUARY 24, 1981), AND ZONING PETITION NO. 79-126, ON JUNE 28, 1979 (R-79-914, ADOPTED JULY 24, 1979 AND R-79-915, ADOPTED JULY 24, 1979) TO ALLOW 1) REALLOCATION OF DENSITY, AND 2) A CHANGE IN HOUSING TYPES on a parcel of land lying on the Northwest 1/4 of Section 2, Township 46 South, Range 42 East, the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 2, Township 46 South, Range 42 East, the South 120 feet of the North 160 feet of the following described parcels: The Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4, the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4, the Northwest 1/4 of the

Northeast 1/4 of the Northeast 1/4, all in Section 2, Township 46 South, Range 42 East. Together with: the North 1/2 of Section 3, Township 46 South, Range 42 East. Tracts 1 through 8, 25 through 40, 57 through 64, all inclusive, Block 64, Palm beach Farms Co. Plat No. 3, as recorded in Flat Book 2, Page 45 through 54 inclusive, located on the northwest corner of the intersection of Hagen Ranch Road and 125th Street South, being bounded on the north by Lake Worth Drainage District Lateral Canal No. L-28 and on the east by Military Trail (SR 809), in a RT-Residential Transitional Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to master plan certification by the Site Plan Review Committee, the master plan shall be amended to indicate the following:
 - a. Required number of trees.
 - b. Acreage of each residential pod, commercial site, recreation center, and the community park on the master plan.
3. The Community Commercial Center shall not have access from Jog Road. A twenty-five (25) foot landscape strip shall be provided along the entire Jog Road perimeter of this commercial site. Landscaping within the strip shall satisfy the requirements of Section 500.35.E.3.a. (4) and (5) (Minimum Planting Requirements and Supplemental Landscape Requirements).
4. Since sewer service is available to the property, septic tank shall not be approved for use on said property.
5. Since water service is available to the property, a well shall not be approved for use on said property.
6. Condition No. 4 of Zoning Petition No. 80-212 (R-81-200) which states:
 - “4. Petitioner shall construct Jog Road as a two-lane section thru the project's limits, as approved by the County Engineer. ”

is hereby amended to read as follows:

- “4. Petitioner shall construct Jog Road as a two-lane section thru the project's limits, as approved by the County Engineer at the time of the filing of the plats adjacent to Jog Road or when required

for paved continuity for Jog Road as determined by the County Engineer whichever shall first occur."

7. **Condition No. 5 of Zoning Petition No. 80-212 (R-81-200) which states:**

"5. **Petitioner shall construct El Clair Ranch Road to a two-lane section thru the project's limits, as approved by the County Engineer, to the Indian Springs Planned Unit Development.**"

is hereby amended to read as follows:

"5. **Petitioner shall construct El Clair Ranch Road to a two-lane section thru the project's limits, as approved by the County Engineer, to the Indian Springs Planned Unit Development at the time of the filing of the plats adjacent to El Clair Ranch Road or when required for paved continuity for El Clair Ranch Road as determined by the County Engineer whichever shall first occur. "**

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 El Clair Ranch Road, Hagen Ranch Road and Jog Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along El Clair Ranch Road, Hagen Ranch Road, and Jog Road. 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. **Access to the Community Commercial Center located at the northwest corner of Jog Road and Pipers Glen Boulevard shall be from Pipers Glen Boulevard only.**

Commissioner Marcus, moved for approval of the petition. The motion was seconded by Commissioner Elmquist, and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Absent

The foregoing resolution was declared duly passed and adopted this 9th day of August, 1988 confirming action of July 24, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM PEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DLUNKLE, CLERK

BY:


DEPUTY CLERK

