

RESOLUTION NO. R-88-1639

RESOLUTION APPROVING ZONING PETITION NO. 87-70
SPECIAL EXCEPTION PETITION OF FRANK POMA

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. 87-70 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 30, 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. 87-70 the petition of FRANK POMA, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT IN AN AGRICULTURAL RESERVE AREA on a parcel of land lying on that part of Section 13, Township 46 South, Range 41 East, described as follows: Commence at the Southwest corner of said Section 13; thence North 0 degrees, 50' 22" West, along the West line of said Section 13, 100.00 feet to the Point of Beginning; thence continue North 0 degrees 50' 22" West, 4725.52 feet to the South line of the North 1/2 of the North 1/2 of the North 1/2 of said Section 13; thence South 89 degrees 58' 25" East, along said South line, 1005.73 feet; thence South 0 degrees 22' 30" East, 2388.95 feet; thence North 89 degrees 37' 30" East, 731.00 feet; thence North 0 degrees 22' 30" West, 325.00 feet; thence North 89 degrees 37' 30" East 671.00 feet; thence North 0 degrees 22' 30" West, 100.00 feet to a point

of curvature of a curve concave westerly with radius of 330.00 feet and a central angle of 30 degrees 00' 00"; thence Northerly, along the arc of said curve, 172.79 feet; thence North 30 degrees 22' 30" West, 125.00 feet to a point of curvature of a curve concave Easterly with a radius of 249.51 feet and a central angle of 29 degrees 44' 12"; thence Northerly, along the arc of said curve, 129.49 feet; thence North 0 degrees 38' 18" West, 225.51 feet; thence North 89 degrees 21' 42" East, 1462.26 feet; thence South 0 degrees 22' 30" East, 706.11 feet; thence North 89 degrees 08' 33" East, 290.01 feet to a line 1285.00 feet West of and parallel with the East line of said Section 13; thence South 0 degrees 22' 30" East, along said parallel line, 2671.26 feet to a line 75.00 feet North of and parallel with the South line of said Section 13; thence South 89 degrees 08' 33" West, along said parallel line, 1347.68 feet to the North-South 1/4 Section line of said Section 13; thence North 0 degrees 36' 33" West, along said 1/4 Section line, 25.00 feet; thence South 89 degrees 08' 33" West, along a line 100.00 feet North of and parallel with the South line of said Section 13, 263.34 feet; thence North 0 degrees 22' 30" West, 275.74 feet; thence North 89 degrees 37' 30" East, 145.32 feet to a point on a curve concave Easterly with a radius of 360.00 feet, a central angle of 53 degrees 23' 32" and a chord bearing North 27 degrees 04' 16" West; thence Northerly, along the arc of said curve, 335.47 feet; thence North 0 degrees 22' 30" West, 1393.01 feet; thence North 89 degrees 14' 11" West, 671.13 feet; thence South 0 degrees 22' 30" East, 658.34 feet; thence South 89 degrees 37' 30" West, 731.00 feet; thence South 0 degrees 22' 30" East, 1324.55 feet to a line 100.00 feet North of and parallel with the South line of said Section 13; thence South 89 degrees 08' 33" West, along said parallel line, 967.44 feet to the said Point of Beginning. The property is located on the north side of West Atlantic Avenue (Delray West Road) approximately .2 miles west of U.S. Highway 441 (SR 7) in an AR-Agricultural Residential Zoning District, was approved, subject to the following conditions:

1. Prior to master plan certification, the master plan shall be amended to indicate the following:
 - a. Location of the primary access point on Delray West Road.
 - b. Right-of-way width for the internal roadways in this Planned Unit Development.
 - c. Required number of trees.
 - d. minimum 95 foot centerline radii on internal roadways.
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. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However at a minimum, 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 as approved by the County Engineer.
4. The property owner shall obtain a minimum of 75 foot right of way for Delray West Road from the project's east property line to State Road 7 subject to approval by the County Engineer. This right of way shall be recorded prior to Master Plan approval.
5. 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 Delray West Road and University Parkway along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Delray West Road and University Parkway. 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.
6. 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 \$54,350.00 (676 trips X \$80.40 per trip).
7. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$13,587.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$67,937.00 to be paid prior to the issuance of the first building permit or prior to January 1, 1988 whichever shall first occur.
8. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee,

this additional amount of \$13,587.00 shall be credited toward the increased Fair Share Fee.

9. The property owner shall provide construction plans for Delray West Road as a 4 lane median divided (expandable to 6 lanes from University Parkway to State Road 7) plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed within 12 months of the approval of the Resolution approving this project. Plan costs shall be approved by the County Engineer.
10. The property owner shall construct Delray West Road as a 2 lane section from State Road 7 West to the project's entrance road per the Condition above. This construction shall be completed within 24 months or prior to the issuance of the first Building Permit whichever shall first occur. This construction shall include at the intersection of State Road 7 and Delray West Road a left turn lane, south approach; a right turn lane, north approach; and a left turn lane, west approach.
11. Surety required for the offsite road improvements as outlined in Condition No. 10, 11 shall be posted with the Office of the County Engineer prior to January 1, 1988.
12. The property owner shall install signalization if warranted as determined by the County Engineer at Delray West Road and State Road 7. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
13. Prior to Master Plan certification, petitioner shall obtain an approval of a Site Rehabilitation and Reclamation Plan for the excavation approved by Zoning Petition No. 84-146 from Site Plan Review Committee as required by Zoning Code Section 500.3 (Excavation).
14. Property owner shall reserve 384 feet of right of way for the proposed University Parkway through the project's limits plus the proposed right of way required for the interchange with Delray West Road in accordance with the County Engineer's approval. This reservation shall be effective until the County Engineer makes a determination of the exact alignment of University Parkway and the area required for the proposed interchange at which time the aforementioned property shall be conveyed at no cost to the county.

Any improvements existing on the reserved property at the time of conveyance shall be removed at the property owner's expense.

15. The proposed airstrip shall be considered to be an element of the petitioner's private recreation facilities.

The airstrip shall not be used for commercial aviation. Use of the airstrip shall be restricted to the exclusive use of the residents of the development. There shall be no storage or parking of aircraft on site other than those of residents. So that future purchasers shall have legal notice of the potential loss of airstrip rights, petitioner shall show 384 feet set forth on Condition No. 14 on the plat.

16. The store canteen within the petitioner's horse breeding and training farm shall be limited to the convenient use of residents of the development.

The canteen shall not be converted to a retail convenience store open to the general public. There shall be no on premise signs visible from Delray West Road or other public thoroughfares indicating the existence of the canteen.

17. The petitioner may exchange the required on-site dedication of land for civic uses either for a parcel of land off-site equal in acreage or cash of equal value. In addition, in the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of the on-site land dedication shall be based upon its value as a civic site. This contribution shall be used to off-set the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, petitioner shall be deemed to have satisfied the intent of the Zoning Code, Section 500.21H.

18. The project's required civic site dedication shall either be relocated from the proposed right-of-way at University Parkway or traded for an off-site contribution as provided in Condition No. 17 above.

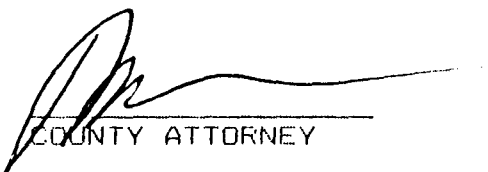
Commissioner Marcus, moved for approval of the petition. The motion was seconded by Commissioner Adams, and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 4th day of October, 1988 confirming action of September 30, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

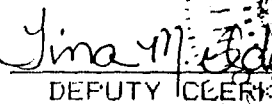
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

