

RESOLUTION NO. R-89-734

RESOLUTION APPROVING ZONING PETITION NO. 88-66  
SPECIAL EXCEPTION PETITION OF MRJ ENTERPRISES, 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. 88-66 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 28, 1988; 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. 88-66 the petition of MRJ ENTERPRISES, INC., by Philip C. Rutherford, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED RESIDENTIAL DEVELOPMENT lying on a parcel of land being a part of tracts 50 and 63, Block 11, and a part of Tracts 49 and 64, Block 11, Palm Beach Farms Company, Plat No. 3, in Section 5 and 8, Township 44 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54, inclusive; said parcel of land being more particularly described as follows:

Commencing at the Northwest corner of said Tract 50; thence, North 90 degrees 00' 00" East, along the North line of said Tract 50, a distance of 30.00 feet for a Point of Beginning; Thence, South 00 degrees 00' 00" East, along a line 30.00 feet East of, as measured at right angles to, the West line of said Tracts 50 and 63, a distance of 1,289.68 feet; thence North 90 degrees 00' 00" East, along a line

30.00 feet North of, as measured at right angles to, the South line of said Tracts 63 and 64, a distance of 946.37 feet to a Point in the Westerly curved Right-of-way line of Lake Worth Drainage District Equalizing Canal E-2, said Point being a point on a Curve Concave Easterly, having a radius of 7,839.44 feet and whose Radius Point bears North 88 degrees 36' 49" East; thence, Northerly along said curve, and along said Right-of-way line, through a central angle of 09 degrees 29' 27", a distance of 1,298.59 feet to the intersection thereof with the North line of said Tract 49; thence: North 90 degrees 00' 00" West, along the North line of said Tracts 49 and 50, a distance of 1,084.92 feet to the Point of Beginning. Subject to Easements, Restrictions, Reservations and Rights-of-way of Record, being located on the northeast corner of the intersection of Dillman Road and Marginal Road. It is bounded on the east by Florida's Turnpike (Sunshine State Parkway), in a RT-Residential Transitional Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the master plan shall be amended to indicate the following:
  - a. All proposed access points;
  - b. Required recreation area or calculations indicating the required cash contribution; and
  - c. Required frontage and width dimensions for all lots.
2. The petitioner shall preserve existing vegetation and shall incorporate said vegetation into the project design. Areas of existing vegetation to be preserved shall be shown 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. The minimum protection shall include highlighting of preservation areas through the installation of stakes installed a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree.

In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or wood, placed a distance of six (6) feet apart, or at the radius of the dripline, whichever is greater.

3. The petitioner shall meet all provisions of Palm Beach County's Subdivision and Platting Ordinance No. 73-4 as

amended.

4. The petitioner shall provide discharge control and treatment for 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. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
5. Within 90 days of approval of this project, the petitioner shall convey to Palm Beach County by road right-of-way warranty deed for:

- a) Dillman Road, a total of 80 feet on an alignment approved by the County Engineer
- b) 7th Place South, a total of 60 feet on an alignment approved by the County Engineer

All free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

6. The petitioner shall construct:
  - a) Dillman Road from Marginal Road east to the project's east property line to local street standards minimum 2-10 foot travel lanes
  - b) 7th Place South from Marginal Road east to the project's east property line to local street standards minimum 2-10 foot travel lanes with sidewalks concurrent with onsite paving and drainage improvements.

All construction shall be completed prior to the recording of the first plat.

7. The petitioner 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 \$804.00 per single family home under 2,000 square feet and \$1,045.00 per single family home over 2,000 square feet.

8. Prior to site plan certification, the petitioner shall eliminate the twenty (20) foot Lake Maintenance Easement from within the proposed lots and create a separate tract for this maintenance easement or include in water management tract.
9. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Absent
Jim Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of July 28, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

*Barbara Altman*  
COUNTY ATTORNEY

BY:

*June Hardy*  
DEPUTY CLERK