

RESOLUTION NO. R-89- 1073

RESOLUTION APPROVING ZONING PETITION NO. 88-102
SPECIAL EXCEPTION PETITION OF C.O.Y. VENTURES, ROGER D. JOHNSON
AND R. ELOISE JOHNSON, PEOPLES EQUITY MORTGAGE, INC., AND
LEILANI T. SUTCLIFFE

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. 88-102 was reheard by the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 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. 88-102 the petition of C.O.Y. VENTURES, ROGER D. JOHNSON AND R. ELOISE JOHNSON, PEOPLES EQUITY MORTGAGE, INC., AND LEILANI T. SUTCLIFFE, by Pravin C. Shah, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED RESIDENTIAL DEVELOPMENT on a parcel of land lying on: Parcel 1: The North 644.15 feet of the South 674.15 feet of the East 329.57 feet of the South 1/2 of the Northeast 1/4 of Section 34, Township 40 South, Range 42 East; Together with: Parcel 2: The East 329.57 feet of the South 1/2 of the Northeast 1/4 of Section 34, Township 40 South, Range 42 East, less the South 674.15 feet thereof: Together with: Parcel 3: The West 329.57 feet of the East 659.14 feet of the South 1/2 of the Northeast 1/4 of Section 34, Township 40 South, Range 42 East, less the South 674.15 feet thereof: Together with: Parcel 4: The North 644.15 feet of the South 674.15 feet of the West 329.57 feet of the East 659.14 feet of the South 1/2 of the Northeast 1/4 of Section 34, Township 40 South, Range 42 East, being

located on the north side of Roebuck Road, approximately .2 mile west of Loxahatchee River Road, in a RTS-Residential Transitional Suburban Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to Subdivision Review Committee, the site plan shall be amended to indicate the following:
 - a. Required minimum frontage dimensions for all lots;
 - b. All preservation areas;
 - c. A minimum of .35 acres of active or semi-active recreational area or reference to provisions of the Recreation Regulations as provided in the Subdivision Ordinance, Article IX, Section VIII.B.2; and
 - d. Required number of trees.
2. The developer shall preserve existing vegetation on-site and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable area, retention areas, right-of-way, and building pods. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to Subdivision Review Committee certification. These preservation areas shall receive appropriate protection from damage and disturbance in accordance with Section 500.36. of the Zoning Code during the site development and construction phase.
3. The site shall be limited to a maximum density of 1.4 dwelling units per acre (27 units total),
4. Prior to Subdivision Review Committee, the site plan shall be amended to:
 - a. Indicate a 5 foot wide buffer along the eastern property line where the 50 foot wide right-of-way abuts;
 - b. Indicate a 10 foot wide buffer between the 50 foot wide right-of-way along the western property line and the 10 foot wide horse trail easement; and
 - c. Indicate a landscape buffer in each of the areas indicated above which shall include a 6 foot high continuous wooden fence supplemented with 10 to 12 foot high native canopy trees planted 20 foot on center.
5. Prior to Subdivision Review Committee, the petitioner shall amend the site plan to indicate a limited access easement along the southern property line adjacent to Roebuck Road and along the western property line between the 10 foot wide horse trail easement and the proposed 50 foot wide right-of-way.

6. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
8. The developer 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 stormwater runoff. In the event that the subject site abuts a Florida Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
9. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Roebuck Road, 40 feet from centerline 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.
10. The property owner shall convey to Palm Beach County within 90 days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Roebuck Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Roebuck Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.
11. 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 \$804.00 per approved single family dwelling unit under 2,000 square feet and \$1,045.00 per approved dwelling unit over 2,000 square feet.

12. Concurrent with platting of the subject property the property owner shall establish a limited access easement along Rockinghorse Drive.
13. 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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

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

Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of November 30, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:

Richard Altman
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

June J. Hardy
DEPUTY CLERK

