

RESOLUTION NO. R-89- 1074

RESOLUTION APPROVING ZONING PETITION NO. 79-161(A)
SPECIAL EXCEPTION PETITION OF PALM BEACH COUNTY HOUSING AUTHORITY

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. 79-161(A) was presented to 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. 79-161(A) the petition of PALM BEACH COUNTY HOUSING AUTHORITY, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR ABBEY PARK PLANNED UNIT DEVELOPMENT (PETITION NO. 79-161) TO INCREASE DENSITY AND TO CHANGE THE HOUSING CATEGORY IN SECTION 2 FROM CATEGORY A TO CATEGORY B on a parcel of land lying on a parcel of land lying in the South 1/2 of the Southeast 1/4 of Section 11, Township 44 South, Range 42 East, being more particularly described as follows:

Commencing at the most Southerly corner of Tract "T-1" (Abbey Park), as shown on Abbey Park, Plat No. 1, as recorded in Plat Book 40, pages 92 and 93, thence, South 47 degrees 29' 00" East, a distance of 103.39 feet to the Point of Curvature of a curve to the left, having a radius of 165.00 feet; thence Southeasterly, Easterly, and Northeasterly, along said curve, through a central angle of 69 degrees 05' 00", a distance of 198.95 feet to the Point of Tangency; thence North 63 degrees 26' 00" East, a distance of 117.26 feet to the Point of Curvature of a curve to the right having a radius of 189.00 feet; thence, Easterly, along

said curve, through a central angle of 26 degrees 34' 00", a distance of 87.63 feet to the point of tangency; thence North 90 degrees 00' 00" East, a distance of 340.01 feet for a Point of Beginning.

Thence, South 00 degrees 00' 00" West, a distance of 532.24 feet to a point on the Northerly Right-of-way line of Lake Worth Drainage District L-8 Canal, said point lying 40.00 feet Northerly of as measured at right angles to the Southern line of said Section 11; thence North 89 degrees 53'27" East, along said Right-of-way line, a distance of 1036.39 feet; thence North 03 degrees 00' 00" West, along a line parallel with and 54.00 feet Westerly of, as measured at right angles to the East line of the Southeast 1/4 of said Section 11, a distance of 1211.31; thence, North 46 degrees 30' 00" West, a distance of 34.42 feet to the Southerly Right-of-way line of Forest Hill Boulevard; thence, North 90 degrees 00' 00" West along said Right-of-way line, a distance of 667.73 feet; thence, South 45 degrees 00' 00" West, departing said Right-of-way line, a distance of 35.36 feet; thence, South 00 degrees 00' 00" West, a distance of 220.08 feet; thence, South 10 degrees 33' 00" East, a distance of 189.46 feet to the Point of Curvature of a curve to left having a radius of 214.00 feet; thence, Southwesterly, along said curve, through a central angle of 42 degrees 23' 00", a distance of 158.30 feet to the Point of Tangency; thence, South 31 degrees 50' 00" West, a distance of 30.40 feet to the Point of Curvature of a curve to the left having a radius of 199.00 feet; thence, Southwesterly along said curve, through a central angle of 58 degrees 10' 00", a distance of 202.02 feet to the Point of Tangency; thence South 90 degrees 00' 00" West , a distance of 173.31 feet to the Point of Beginning, being located on the southwest corner of the intersection of Haverhill Road and Forest Hill Boulevard (SR 882), in a RM-Multiple Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. Prior to certification, the master plan shall be amended to indicate the following:
 - a. The required twenty five (25) foot buffer along Haverhill Road;
 - b. 54 category "A" dwelling units and 105 category "B" dwelling units in Section 1;
 - c. 76 category "A" dwelling units in Section 5; and
 - d. Interconnect the roadway system (Abbey Park Road to the proposed Haverhill extension) with a minimum fifty (50) foot right of way as shown in Exhibit No. 38 (Prior approved master plan).
3. A twenty-five (25) foot buffer shall be provided around the perimeter of Section 2. This buffer shall be planted with minimum twelve (12) foot high native

canopy trees alternately spaced at a maximum of twenty-five (25) feet on center.

4. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
6. 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 stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a 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. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
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, based upon the number of approved trips, is \$562.00 per approved multi-family dwelling unit.
8. The petitioner shall purchase the subject property from the current owner of the property prior to the issuance of the first building permit. Furthermore, the petitioner shall execute and record restrictive covenants and agreements against the property limiting its use to low and moderate income housing. The documents shall be subject to approval by the County Attorney's Office prior to the issuance of the first building permit to assure all conditions of approval are met.
9. The maximum number of dwelling units permitted in "Section 2", a 25.45 acre parcel shall be 350 category B Type units.
10. The site plan graphics for Section 2 presented at the Board of County Commissioners Public Hearing shall be submitted to the Zoning Division for inclusion into the official record. This site plan shall be revised to provide a "doubling" of interior landscape requirements which shall include the installation of one (1) canopy tree every six (6) parking stalls.

11. The County Attorney's office will review within ten (10) days the Master Association documents to ensure the petitioner is required to contribute its share of the maintenance, replacement of the common elements as defined in the Master Association documents. If the County Attorney determines the Master Association documents do not provide for the subject property's contribution in the upkeep and maintenance of the common areas, the petitioner shall execute and record a unilateral Declaration of Maintenance.

12. Failure to comply with any conditions of approval 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 Marcus 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	--	Absent
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

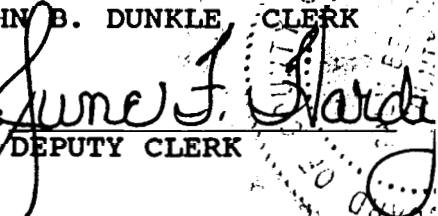
BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK