

RESOLUTION NO. R-89- 2234

RESOLUTION APPROVING ZONING PETITION NO. 89-55  
SPECIAL EXCEPTION PETITION OF JERRY BERNARD HARTMAN AND  
GERTRUDE HARTMAN

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 have been satisfied; and

WHEREAS, Petition No. 89-55 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 30, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-55 the petition of JERRY BERNARD HARTMAN AND GERTRUDE HARTMAN, by Robert Bentz, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT on a parcel of land lying on part of the Southwest 1/4 of Section 27, Township 40 South, Range 42 East; Beginning at a Palm Beach County Geodetic Survey Monument marking the Southwest corner of the Southwest 1/4 of said Section 27; thence North 00 degrees 03'44" East (bearings based on Palm Beach County sectional data) along the West line of said Section 27 a distance of 1326.20 feet to a 4"x4" concrete Monument; thence South 89 degrees 45'43" East 1324.11 feet to a Permanent Reference Monument (P.R.M.) marking the Southwest corner of Plat No 3, Whispering Trails, in Plat Book 53, pages 26 and 27; thence South 00 degrees 13'09" West 1324.75 feet to the South line of the Southwest 1/4 of said Section 27; thence North 89 degrees 49'29" West along said South line 1320.48 feet to the Point of Beginning; less A parcel located in the Southwest 1/4 of the Southwest 1/4 of said Section 27, thence North 00 degrees 13'09" East, along the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 27, a distance of 80.00 feet; thence South 00 degrees 13'09" West, along a line 80.00 feet West of and parallel with the East line of the Southwest 1/4 of the

Southwest 1/4 of said Section 27, a distance of 780.04 feet to the point of curvature of a curve concave to the Northwest: thence Southwesterly along the arc of said curve having a central angle of 25 degrees 37'24" and a radius of 1260.00 feet, a distance of 563.49 feet to a point on the South line of the Southwest 1/4 of the Southwest 1/4 of said Section 27; thence South 89 degrees 49'29" East, along the South line of the Southwest 1/4 of the Southwest 1/4 of said Section 27, a distance of 203.91 feet to the Point of Beginning, being located approximately one (1) mile west of Loxahatchee River Road and bounded on the west by the Martin County Line and approximately .76 mile south of the Martin County Line, in a RTS-Residential Transitional Suburban Zoning District, was approved on June 30, 1989, as advertised, subject to the following conditions:

1. The developer shall preserve existing native vegetation on site to the greatest extent possible and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable area retention areas, right-of-way and building pads. 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.
2. Concurrent with Site Plan Review Committee submittal, the petitioner shall submit a revised detailed vegetation survey and analysis shall be subject to approval by the Zoning Division.
3. Prior to master plan certification, the petitioner shall redesign the site to accommodate the on-site wetland area and slough. To the greatest extent possible, viable wetland areas shall be preserved and incorporated into the project's open space and surface water management system. The petitioner shall provide a hydrologic connection between the on site wetland to the slough. The boundaries shall be incorporated into the project's vegetation removal permit and a conservation easement shall be established for those areas. The conservation easement shall be platted concurrent with any roadway and/or open space systems.
4. The development shall be limited to forty-one (41) single family lots with a minimum lot area of 9,600 square feet.
5. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
7. 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.

8. The property owner shall cause to construct a left turn lane, south approach on Central Boulevard (Longshore Boulevard) at the project's entrance road, concurrent with onsite paving and drainage improvements. Construction shall be completed concurrent with the filing of the first plat.
9. 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, **\$1,045.00** per approved single family dwelling unit over **2,000** square feet and **\$562.00** per approved multi family dwelling unit.
10. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance **73-4** as amended.
11. This project shall be limited to a total of **41** dwelling units. Building Permits for the remaining **39** dwelling units shall only be available upon future approval by the Board of County Commissioners subject to meeting all future ordinances including but not limited to Traffic Performance Standards and the Comprehensive Land Use Plan.
12. All property included in the legal description of the 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 PUD.
13. 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 Roberts moved for approval of the Resolution.

The motion was seconded by Commissioner Phillips and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of December, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

