

RESOLUTION NO. R-90-1322

RESOLUTION APPROVING ZONING PETITION NO. 79-161(B)
SPECIAL EXCEPTION PETITION OF CORONET DEVELOPMENT CORPORATION
BY KIERAN J. KILDAY, AGENT

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. 79-161(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 29, 1990; 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. 79-161(B), the petition of CORONET DEVELOPMENT CORPORATION, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN ABBEY PARK PLANNED UNIT DEVELOPMENT AND REDESIGN THE SITE 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; Said parcel of land 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 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 South line of said Section 11; thence, North 89 degrees 53'26" 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 feet; thence, North 46 degrees 30'00" West, a distance of 34.43 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 the 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, and being located on the southwest corner of the intersection of Forest Hill Boulevard, in a RM-Multiple Family Residential Zoning District (Medium Density), was approved on March 29, 1990 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

MODIFICATIONS:

2. Condition No. 3 of Resolution R 89-1074 which currently reads:
 - "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."

is hereby amended to read:

"A twenty-five (25) foot buffer shall be provided around the North and East perimeter of Section 2 and 3. 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."

3. condition No. 8 of Resolution R 89-1074 which reads:
 - "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."

is hereby amended to read:

"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 and Planning Division prior to Site Plan Review Committee certification of the Master Plan."

The petitioner shall provide to the Planning, Zoning and Building Department an annual report, starting April 1, 1991, until all units are sold or a minimum of five (5) years, which details (e.g. purchase contracts, agreements for sale, lease agreements, lease hold interests and other appropriate documentation as determined by the Department) to the satisfaction of the County Attorney and the Planning, Zoning and Building Department that home prices are in compliance with the restrictive covenants and agreements and that units are exclusively provided to low and moderate income families.

If found in violation of the condition, the petition shall be remanded to the Board of County Commissioners for its review and appropriate **action.**"

4. Condition **No. 9** of Resolution R 89-1074 which currently reads:

"9. The maximum number of dwelling units permitted in **"Section 2"**, a 25.45 acre parcel shall be 350 Category B Type units."

is hereby amended to read:

"The maximum number of dwelling units permitted in **"Section 2 and Section 3"**, a 25.45 acre parcel shall be 260 Category B Type units and 5 Category A Type units."

5. Condition **No. 10** of Resolution R 89-1074 which currently reads:

"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."

is hereby amended to read:

"The site plan graphics for Section 2 and Section 3 presented at the Board of County Commissioners Public Hearing shall be submitted to the Zoning Division for inclusion into the official record,"

6. Lakes shall be designed and planted with littoral zones. Plans for the lake design shall be submitted to the Department of Environmental Resources Management for approval prior to site plan certification.

7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be bused because of School Board policies regarding overcrowding, racial imbalancing or other policy matters.

This documentation shall be updated on an annual basis.

10. All Engineering conditions from Zoning Petition 79-161 and 79-161(A) are hereby repealed as follows:

Zoning Resolution R-79-1239 Conditions **1-8** which presently state:

- "1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet from centerline for the ultimate right-of-way for Forest Hill Boulevard.
2. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County fifty-four (**54**) feet from centerline for the ultimate right-of-way **for** Haverhill Road.
3. Petitioner shall construct Haverhill Road to a two-lane section from Forest Hill Boulevard to the project's south entrance. Such improvement to be credited toward the Fair Share Impact Fee.
4. Petitioner shall construct on Forest Hill Boulevard at each of the project's main entrance roads:
 - a. Left turn lane, east approach.
 - b. Right turn lane, west approach.
5. Petitioner shall construct left turn lane, east approach, at the intersection of Forest Hill Boulevard and Haverhill Road.
6. Petitioner shall construct on Haverhill Road at project's entrance, left turn lane, south approach.
7. Petitioner shall contribute a pro rata share for signalization at the intersection of Forest Hill Boulevard and Haverhill Road when warranted as determined by the County Engineer.

8. Petitioner shall contribute One Hundred Fifty-Four Thousand Six Hundred Fifty Dollars (\$154,650.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). The fee schedule for this project has been calculated in accordance with Ordinance 79-7 as follows:

Residential	\$212.72/unit
Commercial	\$833.00/1,000 sq.ft.

This condition shall fulfill the developer's requirement according to the "**Fair Share Contribution for Road Improvements Ordinance**" No. 79-7 adopted by the Board of County Commissioners.

The petitioner may elect to have the cost of construction of two lanes of Haverhill Road from Forest Hill Boulevard southerly to the L-8 Canal applied to this condition,"

are hereby deleted.

Zoning Resolution R-89-1074 Conditions Numbers 6 and 7 which read:

- "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 on site 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 presently is **\$562.00** per approved multi-family dwelling unit."

are hereby deleted.

11. Prior to August 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for the expanded intersection at Forest Hill Boulevard and Haverhill Road and for the right turn lane at the project's entrance to Haverhill Road:
 - a. Forest Hill Boulevard, 76 feet from centerline; and
 - b. Haverhill Road, **54.5** feet from centerline; and
 - c. construction of a right turn lane on Haverhill Road at the project's entrance road. This right-of-way shall be a minimum of **150** feet in length, twelve feet in width and a taper length of **180** feet.

All free of encumbrances and encroachments. Property owner 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.

12. The Property owner shall construct a right turn lane,, north approach on Haverhill Road at the project's entrance road concurrent with on site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
13. The Property owner shall convey to Palm Beach County within **90** days of the approval of this project adequate road drainage tract through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Forest Hill Boulevard and Haverhill Road along the property frontage and for a maximum **400** ft. distance each side of the property boundary lines along Haverhill Road and Forest Hill Boulevard. 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. If required by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of **24** inch closed piping system and appropriate wingwall or other structures. Elevations of all construction shall be approved by the County Engineer.
14. 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 \$1,155.00** per approved multi-family dwelling unit.

15. The property owner shall convey to the Lake Worth Drainage District the South 10 feet of the subject property (Section 2) for the required right-of-way for Lateral Canal No. 8, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to August 1, 1990.
16. The Developer shall install signalization if warranted as determined by the County Engineer at:
 - a. project's entrance(s) and Forest Hill Boulevard; and
 - b. project entrance and Haverhill Road.

Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
17. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
18. The property owner shall participate in a recycling program when available in the area.
19. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Marcus moved for approval of the Resolution.

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

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

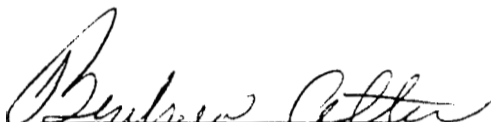
The Chair thereupon declared the resolution was duly passed and adopted this 7th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

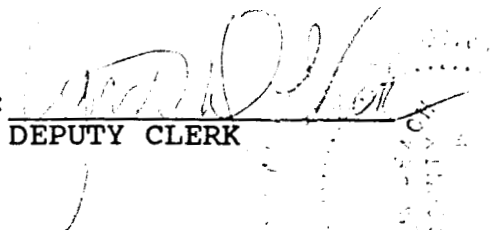
PALM BEACH COUNTY, FLORIDA
BY ITS **BOARD OF COUNTY**
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

