

RESOLUTION NO. R-78-1285

RESOLUTION APPROVING ZONING PETITION

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. 78-226 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25 September 1978.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 25th day of September, 1978, that petition No. 78-226 the petition of RIDGEWOOD GROVES, A FLORIDA GENERAL PARTNERSHIP by William R. Boose, III, Attorney, for the REZONING, FROM AGRICULTURAL DISTRICT TO RS-RESIDENTIAL SINGLE FAMILY DISTRICT AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the Northeast 1/4 of the Southeast 1/4 of Section 13, Township 45 South, Range 42 East, less therefrom the following described parcel: Beginning at the Southeast corner of the Northeast 1/4 of the Southeast 1/4 of said Section 13; thence Westerly, along the South line of said Northeast 1/4 of the Southeast 1/4, a distance of 672.03 feet; thence, Northerly, parallel with the East line of said Northeast 1/4 of the Southeast 1/4, a distance of 466 feet; thence Easterly, parallel with the said South line, a distance of 672.03 feet to the East line of said Northeast 1/4 of the Southeast 1/4; thence Southerly, along said East line, a distance

of-way for Lawrence Road and less right-of-way for Lake Worth Drainage District Lateral 21. Said property located on the west side of Lawrence Road, approximately 1.5 miles south of Hypoluxo Road, was approved as advertised subject to the following conditions:

1. Within ninety (90) days of the Special Exception approval, developer shall convey to Palm Beach County fifty-four (54) feet from the centerline of N.W. 22nd Avenue which is under the ownership or control of the developer.
2. Developer shall construct a left turn lane, south approach, on Lawrence Road at the development's entrance.
3. Developer shall contribute thirty thousand dollars (\$30,000.00) (\$300.00 per dwelling unit) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid on a per unit basis at the time of issuance of a building permit(s). However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that, regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above thirty thousand dollars (\$30,000.00) toward alleviating some of its traffic impacts.
4. Developer shall enter into a formal written contract with the Palm Beach County School Board to contribute four-tenths (4/10) of one percent (1%) of the selling price of each residential unit on a one-time initial sales basis. However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that, regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above 4/10ths of 1% of the initial sales price toward alleviating some of its school impacts.
5. Developer shall provide the North 50.0 feet of the subject parcel for Lateral Canal No. 21. Said provision shall be by Quit Claim Deed or Easement Agreement, whichever the developer prefers.
6. The maximum density of the subject development shall be limited to no more than one hundred (100) dwelling units.
7. If the subject planned unit development fails or if the subject development is not developed in accordance with the Master Plan, Exhibit No. 14, on file in the office of the Director, Department of Planning, Zoning & Building, the subject property shall be reconsidered for rezoning to its previously underlying AG-Agricultural District zoning classification.

8. Developer shall landscape the Florida Power & Light easement located within the twenty-five (25) foot perimeter buffer along the southeasterly portion of the subject development which borders those adjacent lots located on the north side of Floral Drive, as said landscaping may be permitted by Florida Power and Light Company.
9. Developer shall install and landscape a four to six (4-6) foot landscape berm with sod and plant systems and trees north of the Florida Power & Light easement located within the total twenty-five (25) foot perimeter buffer area as established in Condition No. 8 above as additional screening protection for the adjacent lots located on the north side of Floral Drive.
10. Developer shall provide a Limited Access Easement within the twenty-five (25) foot perimeter buffer located in the southeasterly portion of the subject development which borders those adjacent lots located on the north side of Floral Drive in order to prevent access from the subject development to Floral Drive.
11. Developer shall record a Declaration of Restrictive Covenants and Conditions (Deed Restrictions) to guarantee the maintenance of and nonaccessibility over the entire twenty-five (25) foot perimeter buffer. In particular, said Declaration of Restrictive Covenants and Conditions shall prevent access from any individual lots to Floral Drive across the subject twenty-five (25) foot perimeter buffer; and, further, all access shall be by the one (1) entrance as approved by the County Engineer.
12. Developer shall coordinate a site inspection of the subject property with the Palm Beach County Urban Forester to inspect the existing row of pines located within lots 7 through 15 as depicted on the Master Plan, Exhibit No. 14, on file in the office of the Director, Department of Planning, Zoning & Building, said lots 7 through 15 running parallel to Floral Drive, in order to tag those trees that are not required to be removed for single family dwelling and accessory structure purposes and that shall be retained.
13. Developer shall construct at the developer's sole cost and expense, a grass swale south of the subject development's southeasterly property line running parallel to Floral Drive across the lots located on the north side of said Floral Drive which shall be connected to an underground drainage pipe to the subject development's on-site retention lake to provide drainage for these abutting lots. This condition shall be contingent upon the developer receiving the cooperation of all lot owners involved in the drainage plan or this condition shall become null and void.
14. The existing agricultural activity and Orange Grove Packing House facility located on the subject development site are not permitted uses in the RS-Residential Single Family District and shall cease to operate and shall be removed at the end of the harvest season for the year in which the Land Development Permit is issued.

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Commissioner Medlen, moved for approval of the petition.

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

Peggy Evatt, Chairman	-	Yes
Bill Bailey, Vice Chairman	-	Yes
Lake Lytal	-	Yes
William Medlen	-	Yes
Dennis Koehler	-	Yes

The foregoing resolution was declared duly passed and adopted this 10th day of October, 1978, confirming action of 25 September 1978.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: _____
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

County Attorney

FILED THIS 10 DAY OF
October 1978
AND RECORDED IN RESOLUTION
MINUTE BOOK NO. 126 AT
PAGE 442-445 RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY W. E. Zaney D.C.

