

RESOLUTION NO, R-84- 1287

RESOLUTION APPROVING ZONING PETITION 80-73(A), Special Exception

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, as amended, have been satisfied; and

WHEREAS, Petition No. 80-73(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th of June, 1984; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, along with the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The proposed development is consistent with the requirements of the Comprehensive Plan, and with some site plan modifications, can meet the requirements of the Zoning Code.

Whereas, the Petitioner has voluntarily agreed to provide \$250.00 per dwelling unit, total PUD dwelling unit count of 157 units, for a total of \$39,250.00 in the form of a clean, irrevocable letter of credit in favor of the School Board of Palm Beach county, for school site acquisition and/or site-related improvements. This letter of credit shall be provided in a form acceptable to the School Board within ninety (90) days of the date of adoption of the Rezoning and PUD Special Exception resolution for the subject project;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day of June, 1984, that the petition of JOHN BARGAS, AS TRUSTEE, by David Carpenter, Agent, for the SPECIAL EXCEPTION TO EXPAND AND AMEND THE MASTER PLAN FOR ST, ANDREWS COUNTRY CLUB PLANNED UNIT DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO, 80-73, BY TRANSFERRING AND INCREASING DENSITY on a parcel of land in Section 33,

Township 46 South, Range 42 East, being more particularly described as follows:

Being all of said Section 33, less and excepting therefrom all those lands contained within Plat No. 2 St. Andrews Country Club (A Planned Unit Development), as recorded in Plat Book 43, Pages 170 through 178, inclusive; also less and excepting therefrom all those lands contained in Plat No. 1 St. Andrews Country Club (A Planned Unit Development), as recorded in Plat Book 43, Page 81, together with:

The Northwest 1/4 of Section 34, Township 46 South, Range 42 East, less the North 105 feet thereof for the Lake Worth Drainage District Lateral Canal L-38 right-of-way (recorded in Official Record Book 1732, Page 612) and subject to easements of record. Said property located on the west side of proposed Carter Road, approximately 1/2 mile north of Clint Moore Road, being bounded on the north by Lake Worth Drainage District Canal No. 38, and on the west by Lake Worth Drainage District Canal No. 8, was approved as advertised, subject to the following conditions:

1. Prior to final approval by the Site Plan Review Committee, the proposed master plan shall be amended to show access and circulation routes in the area being added to the existing PUD.
2. The developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual **trees** and/or preservation areas during site clearing and construction.
3. This development shall retain **onsite** the first one inch of stormwater runoff per the Palm Beach County Subdivision and Platting Ordinance No. 73-4, as amended.
4. The property owner shall convey for the ultimate right-of-way of Jog Road, 60 feet from centerline, within ninety (90) days of approval. Conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit.
5. The Developer shall pay a fair share fee in the amount and manner requires by "The Fair Share Contribution for Roadway Improvements Ordinance" as it presently exists, or as it may, from time to time, be amended. Presently, the Fair Share Fee for this project is \$31,400.00 (\$200.00 per dwelling unit).

In addition, based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$128,600.00 toward Palm Beach County's existing Roadway Improvement Program. Payment shall be in the form of a clean, irrevocable letter of credit in favor of Palm Beach County posted within two (2) months of Special Exception approval by the Board of County Commissioners. Said funds shall be used to construct roadway improvements in the area, including Military Trail from Clint Moore Road to **Linton** Boulevard. If the Fair Share Contribution for Roadway Improvements Ordinance is amended to increase the fair share fee, this additional amount shall be credited toward the increased Fair Share Fee.

6. The petitioner shall accept the runoff of the adjacent roads (Jog Road and Clint Moore Road) through this development's internal lake system, and, the design of such drainage plan shall be subject to all applicable government standards.

7. The developer shall construct concurrent with the improvements constructed during the first plat:

- a. A Left turn lane, east approach, on Clint Moore Road at Lyons Road.
- b. A Right turn lane, south approach, on Lyons Road at Clint Moore Road.

8. Reasonable precautions shall be exercised during site development to insure that unconfined **particulates** (dust particles) from this property do not become a nuisance to neighboring properties.

9. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

Commissioner Koehler moved for approval of the Petition. The motion was seconded by Commissioner Evatt, and, upon being put to a vote, the vote was as follows:

KENNETH G. SPILLIAS	-- ABSENT
DOROTHY H. WILKEN	-- AYE
PEGGY EVATT	-- AYE
DENNIS P. KOEHLER	-- AYE
BILL BAILEY	-- AYE

The foregoing resolution was declared duly passed and adopted this 11th day of September 1984, confirming action of the 28th of June, 1984.

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

JOHN B. DUNKLE, Clerk

By Charlene Harris
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Paul W. Carlson IV
County Attorney