

RESOLUTION NO. R-84-1841

RESOLUTION APPROVING ZONING PETITION 81-215(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 have been satisfied; and

WHEREAS, Petition No. 81-215(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 30th July 1984; 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, the Board of County Commissioners made the following findings of fact:

1. The proposed Planned Unit Development is consistent with the requirements of the Comprehensive Plan.
2. With some revision to the proposed Master Plan, the property can be developed in conformity with the requirements and intent of Planned Unit Development provisions of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 30th day July, 1984, that Petition No. 81-215(A) the petition of HIDDEN LAKES OF DELRAY By Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO ALLOW a PLANNED UNIT DEVELOPMENT INCLUDING ON-SITE WATER AND SEWAGE TREATMENT PLANT on all of the plat of Hidden Lakes, Phase No. 1, a portion of Hidden Lakes Planned Unit Development in Section 9, Township 46 South, Range 42 East, as recorded in Plat Book 41, Pages 41 and 42, and Tracts 77,78,79,80,81,82 and 83, Block 9, Palm Beach Farms Company Plat No. 1, in Section 9, Township 46 South, Range 42 East, as recorded in Plat Book 2, Page 26 and that part of Tract 76, Block 9, Palm Beach

Farms Company Plat No.1, lying West of the said Plat of Hidden Lakes, Phase No. 1. Said property located on the west side of Hagen Ranch Road, approximately .2 miles North of Sims Road in an RS-Residential Single Family District, was approved as advertised, subject to the following conditions:

1. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance No. 73-4, as amended.

2. The developer shall construct concurrent with the project's entrance road onto Hagen Ranch Road:

- a. right turn lane, north approach, at the intersection of Hagen Ranch Road and the project's entrance road.
- b. left turn lane, south approach, at the intersection of Hagen Ranch Road and the project's entrance road.

3. The developer shall construct signalization as determined by the County Engineer at the intersection of Hagen Ranch Road and Delray West Road, concurrent with the first plat improvements.

The developer shall contribute One Hundred Forty Nine Thousand Dollars (\$149,000.00) in the form of a clean, irrevocable letter of credit toward the cost of meeting this project's direct and identifiable traffic impact. This letter of credit shall be posted within six (6) months of Special Exception approval and shall be used to construct roadway improvements in the area including right turn lanes on the north, south, east, and west approaches of the intersection of Delray West Road and Military Trail.

This letter of credit may be called at such time as Palm Beach County is ready to bid the intersection improvement work at Delray West Road and Military Trail, and will be accepted in lieu of the Fair Share Traffic Impact Fee.

4. This project shall provide access and easements into the water management system to accommodate drainage from Hagen Ranch Road, as required by the County Engineer. The water management system shall be designed with sufficient capacities to accept this drainage from Hagen Ranch Road adjacent to the project.

5. 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.

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

7. Prior to certification, the Naster Plan shall be amended to provide for:

- a. A minimum of four (4) acres of recreation area with facilities appropriate to a family-oriented development.
- b. Extensive buffering of the outparcel consisting of opaque screening and a berm to a height of six feet and canopy trees planted at twenty (20) feet on center.
- c. Provision of a standard street section to service all detached dwellings.

8. (a) The developer shall pay a fair share in the amount and manner required by the Fair Share Contribution for Road Improvements Ordinance as it presently exists or may from time to time be amended. Presently the Fair Share Fee for this project is \$200.00 per approved multi-family and \$300.00 per approved single-family unit constructed.

(b) In addition, based on the amount of traffic generated by this development, the developer has agreed to contribute an additional \$500.00 per approved multi-family unit and \$400.00 per approved single-family unit constructed toward Palm Beach County's existing roadway improvement program, to be paid within twelve (12) months of the adoption of the resolution by the Board of County Commissioners.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount shall be credited toward the increased Fair Share Fee.

9. Petitioner has voluntarily agreed to provide \$250.00 per dwelling unit, total

P.U.D. dwelling count of 298 units, for a total of \$74,500.00 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 the adoption of the Rezoning and P.U.D. Special Exception resolution for the subject property.

10. The petitioner agrees to provide a Landscape Improvement Program in the median of Atlantic Avenue from Jog/Carter Road to Hagen Ranch Road in the amount of \$110,000.00. Permits shall be obtained from the Office of the County Engineer and a proper maintenance agreement shall be entered into to allow the private continuous maintenance of these improvements. The Homeowner's Association of this project shall assume maintenance responsibility until a maintenance agreement is finalized and approved by the County Attorney. Such landscape program and maintenance shall further be subject to the approval of the Florida Department of Transportation.

11. If required by the County Engineer, the petitioner shall overlay Hagen Ranch Road from the project's entrance south to the three lane north terminus of the existing 3-lane section of Hagen Ranch Road. This shall be completed concurrent with any 5-lane construction on Hagen Ranch Road, or within twelve (12) months of the approval date by the Board of County Commissioners, whichever shall first occur. Credit for this construction shall be given toward Condition No. 8(b).

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

Ken Spillias, Chairman	-- AYE
Dorothy H. Wilken, Vice Chairman	-- ABSENT
Peggy B. Evatt, Member	-- ABSENT
Dennis P. Koehler, Member	-- AYE
Bill Bailey, Member	-- AYE

The foregoing resolution **was** declared duly passed and adopted this _____ day of **DEC 11 1984**, 1984, confirming action of the 30th of July, 1984.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Paul J. ...
COUNTY ATTORNEY

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

JOHN B. DUNKLE, CLERK

BY: *Donna McWilliams*
DEPUTY CLERK

