

RESOLUTION NO. R- 85-243

RESOLUTION APPROVING ZONING PETITION 79-177(B), **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. 79-177(B) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th of September 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 proposal, with appropriate thoroughfare improvements and modifications to the master plan, will meet the requirements of the Zoning Code and Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in **regular** session this the 27th of September 1984, that Petition **No. 79-177(B)** the petition of TARTAN-CARMA DEVELOPERS A FLORIDA GENERAL PARTNERSHIP By Conrad W. Schaefer, Agent for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR RAINBOW LAKES PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 79-177 BY INCREASING THE DENSITY ON PARCELS C,D,E AND F on the following described lands lying within Sections 14,15,22, and 23, Township 45 South, Range 42 East, being more particularly described as follows:

The Southeast 1/4 of Section 15, the Southwest 1/4 of Section 14, The North 1/2 of the Northeast 1/4 of Section 22.

Tracts 9 through 16, inclusive, of Boynton Gardens, according to the

plat thereof, as recorded in Plat Book 6, Page 32, together with the 30 foot abandoned right-of-way lying South of Tracts 9 through 12, inclusive, of said Plat of Boynton Gardens. Said property located on the east side of Jog Road, and being bounded on the south by The Boynton Canal in an RT-Residential Transitional Suburban District was approved as advertised subject to the following conditions:

1. Prior to certification of the site plan by the Site Plan Review Committee, the site plan shall be amended to reflect the required 25 foot buffer around the entire perimeter of the PUD.
2. The Developer shall comply with all previously approved conditions of Petition No. 79-177, except for Conditions No. 1, 2C and 5, which have been revised.
3. 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.
4. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
5. The petitioner shall provide funds to Palm Beach County as required for the County to purchase any missing right-of-way necessary to provide a 120' section for Military Trail from Old Boynton Road to the north property line of this project. Fifty thousand dollars shall be provided to Palm Beach County within 90 days of the date of approval. Additional funds shall be provided as necessary upon request; however, these funds required for right-of-way purchase shall not exceed \$100,000.00.
6. The developer shall provide to Palm Beach County a letter of credit in the amount of \$1,000,000 within 90 days of development approval. This letter of credit may be drawn as required to construct Military Trail by Palm Beach County between Old Boynton Road and the North property line of this project.
7. Using funds provided by this development, as well as other funds available, Palm Beach County will purchase the necessary right-of-way and construct Military Trail as a four-lane roadway from Old Boynton Road to the north property line of this development within two years of development approval.
8. The developer shall be allowed no more than 1131 dwelling unit permits for two years from the date of development approval or until such time as both Boynton Beach Boulevard from Military Trail to Congress Avenue and Military Trail from Steiner Road to West Atlantic Avenue are four-laned, whichever shall first occur.
9. The property owner shall provide Palm Beach County with a road drainage easement through this projects internal lake system to legal positive outfall for the road drainage of N.W. 22nd Avenue, Military Trail and Jog Road. This drainage easement shall be subject to all governmental agency requirements.
10. Legal access, per the County Engineer and the County Attorney's office, to the not included parcel shall be provided by this petitioner prior to the filing of the next plat for this Planned Unit Development.
11. Condition NO. 1 of the previous approval shall be revised to reflect the following: All right-of-way conveyances which were required are to be made within 90 days of project approval.

12. Condition No. 2C of previous approval shall be revised to read as follows: Petitioner shall construct Jog Road as a two-lane section from the southern terminus of Parkwalk, PUD (f.k.a. Le Chalet, PUD) to this project's south property line when required by the county engineer for continuity.

13. Condition No. 5 of previous approval shall be revised to read as follows: The developer 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. Presently the fair Share Fee for this project is \$179.31 per unit.

14. Petitioner shall show a minimum 15 acre elementary school site on the PUD Master Plan.

15. Petitioner shall donate the 15 acre school site to the School Board of Palm Beach County.

16. Conveyance of the site to the School Board of Palm Beach County, (Warranty deed - no **reverter**, affidavit of no liens, site **survey**, title insurance commitment, title policy, closing statement to fit the transaction, copies of PUD documents) shall be delivered to the School Board within three (3) months of the effective date of the resolution of approval of the PUD by the Board of County Commission, Palm Beach County.

17. Petitioner shall be responsible for the school site, building footprint area to be at developable grade elevation prior to School Board construction.

18. Petitioner shall provide both primary and secondary access to the site from adjacent roadways. (Curb cuts, and proper left and right turning lanes in accordance to County Engineer guidelines).

19. Utilities (*sewer* and water) shall be brought to the site property line.

20. Petitioner shall be responsible for an approved PUD surface water retention area design to accommodate the 15 acre school site drainage. This retention area will be relocated within the PUD and not on the school site acreage.

21. Pedestrian signalization to and from the school site shall be installed by the petitioner when warranted by both School Board and County Engineering.

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:

Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of **FEB 19 1985** confirming action of the 27th of September 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Weaver
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney