

RESOLUTION NO. R- 85-293

RESOLUTION APPROVING ZONING PETITION 84-160, 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. 84-160 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 1st of November 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. With a limitation on the number of building permits to be issued until necessary throughfare improvements are made, the proposal is consistent with the requirements of the zoning code and comprehensive plan.
2. Petitioner has voluntarily agreed to provide to the School Board of Palm Beach County, \$250.00 per dwelling unit, total PUD dwelling unit count of 1128 units, for a total of \$282,000.00. These funds shall be used by the School Board of Palm Beach County for school site acquisition and/or site related improvements of schools servicing the area of the subject PUD.
3. Payment of funds shall be made to the School Board of Palm Beach County at time of filing of each plat within the PUD. The amount of payment shall be determined by the number of dwelling units within each plat multiplied by \$250.00 per unit.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 1st of November 1984, that Petition No. 84-160 the petition of FOREST HILL VENTURES By Henry Skokowski, Agent for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the

Northeast 1/4, of Section 11, Township 44 South, Range 42 East, Less the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 11. Said property located on the south side of Summit Boulevard and on the west side of Haverhill Road (Proposed), approximately .5 mile west of Military Trail (S.R. 809) was approved as advertised subject to the following conditions:

1. Prior to Site Plan Certification:
 - a) The Site Data shall reflect the recreational amenities to be provided.
 - b) The master plan and survey shall indicate the ultimate 108 foot right-of-way for Summit Boulevard.
 - c) The Master Plan shall be amended to provide identification and preservation of existing significant on site vegetation.
2. 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.
3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
4. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.
5. The property owner shall convey for the ultimate right of way of Haverhill Road, 40 feet from centerline within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.
6. The developer shall construct concurrent with the construction of the project's entrance road onto Summit Boulevard:
 - A) Left Turn Lane, East approach.
 - B) Right Turn Lane, West approach.
 - C) Signalization when warranted as determined by the County Engineer, at such time as the developer is ready to file the last plat, Palm Beach County Engineering Department shall make the determination as to whether a signal is warranted. If a signal will not be warranted, the developer shall be relieved from this obligation.
7. The developer shall construct concurrent with the construction of the project's entrance road onto Haverhill Road:
 - A) Left Turn Lane, South approach.
 - B) Right Turn Lane, North approach.
 - C) Signalization when warranted as determined by the County Engineer, at such time as the developer is ready to file the last plat, Palm Beach County Engineering Department shall make the determination as to whether a signal is warranted. If a signal will not be warranted, the developer shall be relieved from this obligation.
8. The interior spine road between Summit Boulevard and Haverhill Road shall be a minimum of 80' collector roadway.

9. The property owner shall provide Palm Beach County with a road drainage easement and sufficient retention area through this project's internal lake system to legal positive outfall for the road drainage for Summit Boulevard and Haverhill Road. The drainage easement shall be subject to all governmental agency requirements.

10. This project shall be limited to 300 building permits until the contract for the 4-laning of Forest Hill Boulevard has been let from its present 4-lane terminus West of Military Trail to Jog Road,

11. The Developer shall construct Haverhill Road as a 2-lane section (expandable to a 5-lane undivided section) from the South right of way line of the L-7 Canal North to Summit Boulevard. This construction shall commence within 12 months after Palm Beach County has purchased the required right of way for Haverhill Road between the L-7 Canal and Summit Boulevard. It is the intent that this construction shall be completed within 24 months of the approval date for this project by the Board of County Commissioners.

12. The Developer shall construct concurrent with the construction of Haverhill Road from the L-7 Canal to Summit Boulevard as described in the previous condition above:

- (A) Left Turn Lane, East approach, on Summit Boulevard at Haverhill Road.
- (B) Right Turn Lane, West approach, on Summit Boulevard at Haverhill Road ■
- (C) Left Turn Lane, South approach, on Haverhill Road at Summit Boulevard.
- (D) Left Turn Lane, North approach, on Haverhill Road at Summit Boulevard ■

13. 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 \$250,600.00.

Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$549,400.00 toward Palm Beach County's existing Roadway Improvement Program, these combined total funds (\$800,000.00) to be paid to Palm Beach County as follows:

These funds shall be secured by bond or letter of credit within 12 months from date of approval. These funds shall not be pulled by Palm Beach County prior to March, 1987. These funds shall be used by Palm Beach County to construct Haverhill Road as a five-lane undivided section from Southern Boulevard to Forest Hill Boulevard, or to reimburse Palm Beach County if this project has previously been let.

14. Petitioner shall convey to the Lake Worth Drainage district the required right-of-way, being the North 70 feet of the subject parcel, for Lateral Canal No.6, and the East 20 feet of the West 60 feet of the subject property for Equalizing Canal No.3, by quit claim deed or an easement deed in the form provided by said district.

15. The petitioner shall dedicate the 2.82 acre civic site shown on the master plan to Palm Beach County, and provide the County with a properly executed warranty deed prior to September 1, 1985.

16. Should the Developer elect to proceed with this project prior to the four-lane construction of Forest Hill Boulevard referred to in Paragraph #10 above, he may provide 1.2 Million Dollars to Palm Beach County for the construction of Haverhill Road as a five-lane section, plus the bridge construction over the C-51 Canal from Forest Hill

Boulevard to Southern Boulevard. Palm Beach County shall let a contract for the construction within six months of this payment. Upon the payment of this 1.2 Million Dollars the developer may proceed with this development beyond the 300th building permit. In no case should a 300th building permit be applied for prior to 12 months from the date of approval of this petition. Zoning Petition #83-153 has a requirement to provide \$400,000 toward construction of the Haverhill Bridge crossing the C-51 Canal in March of 1987. These monies will be reimbursed to the Petitioner when paid, if he elects this option.

If the developer seeks to obtain building permits prior to the payment of these funds, the developer shall pay the impact fee for those units at the rate which shall be in effect at the issuance of the building permit. These payments may then be credited toward this 1.2 million dollar payment.

17. Use of the transferred units shall be pursuant to the schedule established in the letter from Stan Redick, Director of Planning, dated August 23, 1984, and made a part of the permanent file., (The Transferred Development Rights Bonus Maximum for this 141.18 acre site shall be no greater than 423 units pursuant to Section 500.34.G.2. of the Zoning Code of Palm Beach County.)

18. The Site Plan Review Committee shall have authority to establish the final location of the civic site.

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	■ ■	ABSENT

The foregoing resolution was declared duly passed and adopted this day of **FEB 19, 1985** confirming action of the 1st of November 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Phares
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy J. [Signature]
County Attorney