

RESOLUTION NO. R- 85-709

RESOLUTION APPROVING ZONING PETITION 84-125, 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. 84-125 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th February 1985; 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. This proposal is consistent with the requirements of the Comprehensive Plan.
2. This proposal will, with minor revisions to the master plan, be consistent with Zoning Code requirements.
3. 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 418 units, for a total of \$104,500.00, to be paid to the School Board of Palm Beach County, for school site acquisition and/or site related improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 28th of February 1985, that Petition No. 84-125 the petition of PHILIP G. BRAUN, TRUSTEE By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land situate in Sections 30 & 31, Township 44 South, Range 42 East, being all that portion of "The Hunt" according to the plat thereof, as recorded in Plat Book 32 on Pages 119 through 125, lying South of the following described line:

Beginning at the intersection of the West boundary line of said plat with the Southerly right-of-way line of the Lake Worth Drainage District Lateral Canal No. **L-13**; thence East along said Southerly right-of-way line, a distance of **881.34** feet to the Easterly right-of-way line of said Canal; thence North along said Easterly right-of-way line, a distance of 30.00 feet to the Southwest corner of Lot 1, Block 1, also being a point on the centerline of a Drainage Easement 60.00 feet in width; thence East along said centerline and the South line of said Lot 1, a distance of **199.97** feet to the Southeast corner of said Lot 1; thence continue East across Hunting Trail, a distance of 60.00 feet to the Southwest corner of Lot **19**, Block 5; thence continue East along the South lines of said Lot **19** and the Preserve Area, a distance of **280.00** feet to the Westerly terminus of a Drainage Easement 50.00 feet in width; thence departing from the aforesaid centerline and along the perimeter of said drainage easement North **41.00** feet; thence East along the South lines of the Preserve The Lake and Lots 11 & 10 all in said Block 5, a distance of **769.93** feet to the Southeast corner of said Lot **10**; thence departing from said perimeter continue East along the Easterly prolongation of the South line of said Lot **10**, a distance of 60.00 feet to the Westerly boundary line of Lot 1 of said Block 5; thence South along said Westerly boundary line a distance of **30.00** feet to the Southwest corner of said Lot 1 and the Westerly Terminus of the centerline of a Drainage Easement 60.00 feet in width; thence East along said centerline and the South line of said Lot 1, a distance of **290.00** feet to the Southeast corner of said Lot 1; thence continue East across Hunting Trail, a distance of 60.00 feet to the Southwest corner of Lot 11, Block **4**; thence continue East along the South line of Lots **11 & 10**, Block **4**, a distance of **290.00** feet to the Westerly right-of-way line of the Lake Worth Drainage District Lateral Canal No. L-13 and the terminus of this description. Said property located on the east side of **S.H. #7 (U.S.441)** being bounded on the south by Lake Worth Drainage District Canal Lateral No. **L-14** and bounded on the north by Lake Worth Drainage District Lateral Canal No. ~~L-13~~ was approved as advertised subject to the following conditions:

1. Prior to certification by the Site Plan Review Committee, the master plan shall be revised to reflect:

a) A density of 2.0 dwelling units per acre.

b) A one hundred fifty (150) foot landscape buffer adjacent to The Hunt PUD, to include a program of berming four (4) feet in height and trees. Said trees should be a minimum in height of 10 to 12 feet at time of planting.

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 on-site the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance **73-4**, as amended.

5. The developer shall construct concurrent with the construction of the project's entrance road onto S.R. 7:

a) left turn lane, north approach.

b) right turn lane, south approach.

c) signalization when warranted as determined by the County Engineer.

6. Petitioner shall revise the master plan to reflect a minimum of an 80 foot internal collector roadway.

7. Developer shall align the project's entrance road with Homeland Boulevard.

8. The developer shall construct Lake Worth Road as a 4-lane median divided section from the existing 4-lane terminus east of the Fla. Turnpike west to a point 100 feet west of the Fla. Turnpike, plus, the appropriate tapers per the County Engineers approval. This construction shall be under contract within 18 months of approval date by the Board of County Commissioners or prior to the issuance of 175 building permits whichever shall first occur. Completion shall be within 12 months after start of construction.

The developer shall be responsible for the purchase of any additional right-of-way required for this construction. The developer shall enter into an agreement for the right-of-way purchase with Palm Beach County. This developer shall post acceptable surety with Palm Beach County within six (6) months of approval date by the Board of County Commissioners for this construction and right-of-way acquisition.

9. 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.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this amount shall be credited toward the increased Fair Share Fee. Credit for this impact fee shall be credited toward the right-of-way acquisition, and construction as outlined in condition 8 above.

10. The developer shall enter into a maintenance agreement with The Hunt PUD for the maintenance of the lake which is common to both developments. Said agreement establishing the mutual responsibility for lake maintenance shall be approved by the County Attorney's Office prior to the recording of the first plat.

11. All graphics submitted by the petitioner before the Planning Commission and the Board of County Commissioners shall be made a part of the official file.

12. Prior to site plan certification the site plan shall be amended to reflect:

- a) deletion of planters from the center of cul-de-sacs.
- b) a minimum cul-de-sac diameter of 100'.
- c) categorization of unit types in the tabular data block, based on unit types set out in Section 402.7 of the zoning code.
- d) recreation package and amenities to be explicitly stated on the master plan.

Commissioner Spillias , moved for approval of the petition. The motion was seconded by Commissioner Owens , and upon being put to a vote, the vote was as follows:

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	NAY

The foregoing resolution was declared duly passed and adopted this ~~MAY 7~~ **MAY 7** 1985 confirming action of the 28th February 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia Weaver
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Jandy Sprague
County Attorney