

RESOLUTION NO. R- 85-717

RESOLUTION APPROVING ZONING PETITION 85-15, 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. 85-15 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 and Zoning Code.
2. Petitioner has voluntarily agreed to provide the School Board of Palm Beach County, \$46,250.00 representing \$250.00 for each 185 dwelling units in the subject PUD. These funds shall be used by the School Board of Palm Beach County for school site acquisition and/or site related improvements, to alleviate schools serving the area of Palm Beach County in which the PUD is located.

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. 85-15 the petition of MCINTOSH COWIE, INC., By Alan Ciklin, Attorney for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land in the Southeast 1/4 of the Southeast 1/4 of Section 11, Township 45 South, Range 42 East, more particularly described as follows:

Commencing at the Southeast corner of Section 11, Township 45 South, Range 42 East;

Thence, South 89 degrees 59' 21" West, along the South line of said Section 11, a distance of 40.00 feet to the Point of Beginning, said point being on the proposed West right-of-way line of Haverhill Road;

Thence, continue South 89 degrees 59' 21" West, a distance of 1275.68 feet;

Thence, North 04 degrees 26' 24" East, a distance of 1347.49 feet;

Thence, South 89 degrees 36' 00" East, a distance of 62.14 feet;

Thence, South 86 degrees 07' 59" East, a distance of 222.51 feet;

Thence, North 03 degrees 52' 08" East, a distance of 13.48 feet;

Thence, South 89 degrees 36' 00" East, a distance of 865.04 feet to a point in the said proposed West right-of-way line of Haverhill Road;

Thence, South 00 degree 54' 48" East, along the said West right-of-way line, a distance of 1335.34 feet to the Point of Beginning. Said property located on the northwest corner of Haverhill Road and Lake Worth Drainage District Canal No. 20, approximately .5 mile west of Military Trail (S.R 809) 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 site-central location for the recreation tract.

2. The Developer shall preserve or relocate existing significant vegetation and shall incorporate same into the project design. Appropriate measures shall be taken to protect these preservation areas during site clearing and construction.

3. The petitioner shall convey to the Lake Worth Drainage District the south 35 feet of the SE 1/4 of the SE 1/4 of Section 11-45/42 for the required right-of-way for Lateral Canal No. 20, by quit claim deed or an easement deed in the form provided by said district, within ninety (90) days of adoption of the resolution by the Board of County Commissioners.

4. 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.

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

6. 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.

7. This developer shall fund acquisition of 80 foot of right-of-way for Haverhill Road from Le Chalet Boulevard to the project's north property line prior to the issuance of a Building Permit. Palm Beach County will obtain the right-of-way at the developer's expense.

8. The developer shall construct Haverhill Road as a two (2) lane undivided section from Le Chalet Boulevard north to the project's

entrance road. This construction shall be concurrent with the construction of the project's access road onto Haverhill Road. This construction shall include, but not be limited to, replacement of the existing wooden bridge over the Lake Worth Drainage District L-20 Canal with 2-lanes (expandable to 4 lanes), drainage, two (2) twelve 12 foot travel lanes, bike path and/or sidewalk, on both the east and west side of Haverhill Road, and shall be to collector standards, per the County Engineer's approval.

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. Presently, the Fair Share Fee for this project is \$200.00 per approved multi-family dwelling unit and \$300.00 per approved single family dwelling unit.

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.

Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$500.00 per approved multi-family dwelling unit and an additional \$400.00 per approved single family dwelling unit toward Palm Beach County's existing Roadway Improvement Program. These total combined funds are to be paid within twelve (12) months of approval of the resolution of the Board of County Commissioners.

10. The Developer shall construct concurrent with the construction of Haverhill Road as outlined in Condition **#8**:

a. Left turn Lane, South Approach on Haverhill Road at the project's entrance road.

b. Left turn Lane, North Approach on Haverhill Road at Le Chalet Boulevard.

11. All interior road rights-of-way shall be a minimum of 95' centerline radius per Florida Department of Transportation Design Manual (Std. Green Book).

12. The property owner shall provide Palm Beach County with a road drainage easement through this project's internal lake system to Legal Positive Outfall for the road drainage of Haverhill Road. This drainage easement shall be subject to all governmental agency requirements.

Commissioner **Marcus** , moved for approval of the petition. The motion was seconded by Commissioner **Spillias** , 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	--	ABSENT
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this **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

Andy Brown
County Attorney