

RESOLUTION NO. R-85-1967

RESOLUTION APPROVING ZONING PETITION 85-121, 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. 85-121 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 9th October 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. With minor modifications to the master plan, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. The School Board of Palm Beach County has demonstrated that the schools serving this petition are operating at or above capacity. The School Board has demonstrated that plans exist for the provision of additional school plants to alleviate overcrowding and to house new students generated by new residential growth. The petitioner has agreed to participate in the School Site Acquisition Program by contributing \$250.00 for each dwelling unit within the subject PUD. Such funds to be used by the School Board for the acquisition of sites, and/or the construction of facilities serving subject petition.
3. Payment in full shall be due the School Board of Palm Beach County within 180 days of the date of the resolution approving the subject PUD.
4. Petitioner shall enter into a formal agreement with the School Board to assure timely payment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 9th of October 1985, that Petition No. 85-121 the

petition of NATIONAL DEVELOPMENT AND CONSTRUCTION CORPORATION By Richard R. Pfendler, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the North 853.51 feet of the East 1000.0 feet of the Southeast 1/4 of the Northeast 1/4 of Section 21, Township 47 South, Range 42 East. Said property located on the south side of Boca Grove Boulevard, approximately 100 feet east of Mandarin Drive was approved as advertised subject to the following conditions:

1. Prior to certification of the master plan, the master plan shall be revised to reflect the following:

a) Delineation of the twenty five (25) foot minimum P.U.D. buffer completely surrounding the entire interior side perimeter of the P.U.D. site, with berming and landscaping provided along the north property line.

b) Incorporation of wooded areas into the master plan.

c) Allocation of the minimum recreation acreage or facilities, or combination thereof, in a form acceptable to the County Parks and Recreation Department, including an itemization of the proposed recreation amenity features.

2. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

3. The development shall provide the requisite twenty five (25) foot P.U.D. buffer, and building setbacks shall be measured from the inside edge thereof.

4. Density shall be limited to 4.0 dwelling units per acre.

5. Zero lot line patio homes shall be developed pursuant to the requirements of Section 500.21.K.4.C. of the Zoning Code.

6. 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.

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

8. 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.

9. The property owner shall construct left turn lane east approach on Boca Grove Boulevard at its intersection with the project's entrance concurrent with the construction of the project's entrance road onto Boca Grove Boulevard.

10. The Developer shall pay a Pair 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. The Pair Share Fee for this project presently is \$804.00 per approved single family dwelling unit under 2,000 square feet and \$1,045.00 per approved single family dwelling unit over 2,000 square feet.

11. The petitioner shall present a notarized Affidavit of Disclosure

at the Zoning Authority meeting.

12. The developer shall fund, on a prorata basis of traffic volume, the construction of a traffic signal at the intersection of Jog Road and Boca Grove Boulevard when warranted by the County Engineer. This condition shall be void if a signal is not warranted within 12 months of the final certificate of occupancy.

13. There shall be no entrance to the project west of the existing guard house.

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

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

The foregoing resolution was declared duly passed and adopted this 3rd day of December 1985 confirming action of the 9th October 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Linda C. Hickman
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney

FILED THIS DAY OF
 DEC. 03, 1985
 AND RECORDED IN
 MINUTE BOOK NO. AT
 PAGE RECORD VERIFIED
 JOHN B. DUNKLE, CLERK
 L H D.C.