

RESOLUTION NO. R- 86-104

RESOLUTION APPROVING ZONING PETITION 85-74, 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. 85-74 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 31st 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. 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 \$157,000.00 representing \$250.00 for each of the 630 dwelling units in the subject development. 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 P.U.D. is located.
3. Payment shall be made in full to the School Board of Palm Beach County at time of issuance of the first residential building permit within the P.U.D..

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 31st of October 1985, that Petition No. 85-74 the petition of DDK INVESTMENT, INC. By Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT commencing at the Southwest corner of said Section 18, run thence along the West line of said Section 18, bearing North 03 degrees 13'23" East, a

distance of 1328.01 feet to the Northwest corner of the South 1/2 of the Southwest 1/4 of said Section 18; thence North 88 degrees 59'56" East along the North line of said South 1/2 of the Southwest 1/4, a distance of 2137.67 feet; thence South 01 degree 00'04" East, a distance of 54.00 feet for the Point of Beginning of the herein described parcel of land.

Thence North 88 degrees 59'56" East, a distance of 203.56 feet; thence South 01 degree 00'04" East, a distance of 104.90 feet to the point on a curve lying concave Southeasterly, having a radius of 185.67 feet, and a central angle of 47 degrees 55'27"; run thence Southerly along the arc of said curve a distance of 155.30 feet to the point of tangency; thence South 22 degrees 13'18" West, a distance of 212.35 feet; thence North 67 degrees 46'42" West, a distance of 10.00 feet; thence North 01 degree 00'04" West, a distance of 398.60 feet to the Point of Beginning.

Together with the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4, less the South 264.00 feet and less the North 54.00 feet thereof; the North 1/2 of the Southwest 1/4 of the Southwest 1/4, less the South 264.00 feet, the North 54.00 feet and less the West 40.00 feet thereof; the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4; the East 3/4 of the North 1/2 of the Southeast 1/4 of the Southwest 1/4 less the North 54.00 feet thereof; the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4; the East 1/2 of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4, all in Section 18, Township 45 South, Range 43 East.

Together with the following described parcel:

Beginning at the Northwest corner of the Northeast 1/4 of Section 19, Township 45 South, Range 43 East, (said corner also being the South 1/4 corner of Section 18, Township 45 South, Range 43 East); thence bear South 00 degree 13'10" West along the West line of the Northeast 1/4 of said Section 19, a distance of 1253.40 feet to an intersection with a line 70.00 feet North of (as measured at right angles to) and parallel with the South line of the North 1/2 of the Northeast 1/4 of said Section 19; thence North 88 degrees 51'40" East along said

parallel line a distance of 120.05 feet; thence North 01 degree 44'21" East parallel to the Southerly extension of the East line of Section 18, Township 45 South, Range 43 East, a distance of 1284.53 feet to a line 30.00 feet Northerly of (as measured at right angles to) and parallel with the North line of said Section 19;

Thence North 88 degrees 54'46" East along said parallel line a distance of 50.33 feet; thence North 21 degrees 05'14" West, a distance of 129.83 feet; thence North 88 degrees 54'46" East, a distance of 37.98 feet; thence North 21 degrees 05'14" West, a distance of 97.90 feet; thence North 01 degree 44'21" East, parallel with the East line of Section 18, a distance of 785.15 feet; thence North 88 degrees 59'55" East, a distance of 44.74 feet; thence North 21 degrees 00'05" West, a distance of 130.89 feet; thence North 88 degrees 59'55" East, a distance of 55.67 feet; thence North 21 degrees 00'05" West, a distance of 122.43 feet to an intersection with a line 54.00 feet South of (as measured at right angles to) and parallel with the North line of the South 1/2 of the South 1/2 of said Section 18; said line also being the South right-of-way line of Northwest 22nd Avenue as same is shown in Road Plat Book 4, Pages 249 and 250 and described in Official Record Book 3283, Pages 1107 and 1108, thence South 88 degrees 59'56" West, along said parallel line and along said South right-of-way line, a distance of 137.49 feet to an intersection with the West line of the Southeast 1/4 of said Section 18; thence South 02 degree 33'14" West, along said West line, a distance of 1268.98 feet to the South 1/4 corner of said Section 18, and the Point of Beginning. Said property located on the southeast corner of the intersection of Lawrence Road and N.W. 22nd. Avenue was approved as advertised subject to the following conditions:

1. Prior to Site Plan Certification the plan shall be amended to reflect the following:

- a) Breakdown of open space calculations.
- b) Minimum dimensions of open space system throughout the P.U.D.

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. 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.

4. The property owner shall construct Concurrent with the Construction of N.W. 22nd Avenue left and right turn lanes on N.W. 22nd Avenue at both project entrance roads.

5. The Property owner shall provide Palm Beach County a road drainage easement within the project internal lake system for legal positive outfall to accommodate the runoff of Haverhill Road along the property frontage and for a maximum 400 feet distance each side of the property boundary lines along Lawrence Road and N.W. 22nd Avenue. This drainage system within the project shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements.

6. The property owner 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. The Fair Share Fee for this project presently is \$235,478.00.

Based on the amount of traffic generated by this development, the developer has agreed to contribute an additional \$82,417.00 toward Palm Beach County's existing Roadway Improvement Program, these funds total \$317,895.00.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$82,614.00 shall be credited toward the increased Fair Share Fee.

Performance security acceptable to the County Attorney shall be posted as follows:

a) One performance security in the amount of \$82,425.00 shall be posted prior to July 1986, which shall not be called by Palm Beach County prior to May 1, 1987.

b) The second performance security in the amount of \$235,478.00 shall be posted prior to October 1986, which shall not be called by Palm Beach County prior to October 1, 1987.

7. The Property owner shall be permitted only 2 access roads onto N.W. 22nd Avenue to serve this project per the County Engineers approval.

8. The Property owner shall not be permitted access onto Lawrence Road.

9. The Property owner shall convey to existing mobile home park a drainage easement per the County Engineers Approval. This drainage easement is intended to provide a legal positive outfall for Lawrence Road.

10. The petitioner shall provide to the Zoning Division for inclusion in the permanent file a corrected survey reflecting the existing Lake Worth Drainage District right-of-way for Lateral Canal No. 22.

11. 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.

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

13. The petitioner shall present a notarized Affidavit of Disclosure

at the Zoning Authority meeting.

14. Density shall be limited to eight (8) dwelling units per acre.

Commissioner OWENS, 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	--	ABSENT
Karen T. Marcus, Vice Chairman	--	ABSENT
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

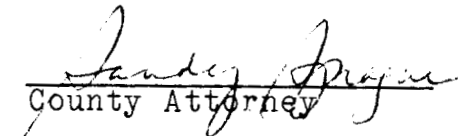
The foregoing resolution was declared duly passed and adopted this day of FEB 11 1986 confirming action of the 31st October 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney