

RESOLUTION NO. R- 86-488

RESOLUTION APPROVING ZONING PETITION 85-167, 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. 85-167 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th December 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. The School Board of Palm Beach County has demonstrated that the schools serving Zoning Petition 85-167 are operating at or above capacity and that plans exist for additional facilities to alleviate overcrowding and to house additional students generated by new residential growth. The petitioner has voluntarily agreed to participate in the School Board's Site Acquisition Program by contributing \$250.00 for each dwelling unit within the subject development. Funds will 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 at time of issuance of the first residential permit.
4. Petitioner shall enter into formal contract with School Board of Palm Beach County 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 30th of December 1985, that Petition No. 85-167 the petition of ST. ANDREWS DEVELOPMENT COMPANY, INC. AND ST. ANDREWS

LAKES, INC., By William Boose, Esquire, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the East 1688.84 feet, as measured at right angles, of the Northwest 1/4 of Section 34, Township 4G South, Range 42 East, subject to an easement for Lake Worth Drainage District Canal L-38 over the North 105 feet thereof. Said property located on the west side of proposed Jog Road approximately .5 mile north of Clint Moore Road was approved as advertised subject to the following conditions:

1. 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.

2. The property owner shall convey for the ultimate right of way of Jog Road, 60 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.

3. The property owner shall construct left turn lane, north approach and a right turn lane, south approach on Jog Road at the project's entrance road concurrent with the construction of Jog Road.

4. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of Jog Road along the property frontage and for a minimum 400 ft. distance each side of the property boundary lines along Jog Road. The 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.

5. 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. The Fair Share Fee for this project presently is \$182,025.00 (2,264 trips X \$80.40 per trip).

6. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$45,506.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds (\$227,531.00) to be paid within 27 months of final approval.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$45,506.00 shall be credited toward the increased Fair Share Fee.

7. The property owner shall provide construction plans for Joy Road from Clint Moore Road north to the existing paved terminus south of West Atlantic Avenue (expandable to 6 lanes including drainage and an ultimate 6 lane structure over the L-38 Canal. These construction plans shall be per the County Engineer's approval based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed within six (6) months of Special Exception Approval. Plan costs shall be approved by the County Engineer.

8. Note, This property owner has requested that Palm beach County obtain the necessary right-of-way for construction of Jog Road from the L-38 Canal to the existing paved terminus out of Delray West Road. Should the Board of County Commissioners not accept the

obligation to fund this right-of-way, then the following condition shall apply:

The property owner shall provide Palm Beach County with all associated right-of-way documents including but not limited to surveys, property owner's mass, legal descriptions for acquisition, parcelled right-of-way maps, required for the acquisition of Jog Road as a 120 foot ultimate section from the L-38 Canal to the existing paved terminus south of Delray West Road.

9. The right-of-way described in Condition No. 8 shall be obtained within 18 months of Special Exception Approval or prior to the issuance of a Building Permit whichever shall first occur. This property owner shall enter into a written agreement with the Land Acquisition Section within 30 days of Special Exception approval for which this property owner shall fund all costs.

10. The property owner shall construct Jog Road from Clint Moore Road north to the existing paved terminus south of West Atlantic Avenue as a 2-lane section per Condition No. 7 including three lane bridge(s) where applicable. This construction shall be completed concurrent with the improvements for the first plat or within 24 months of Special Exception Approval whichever shall first occur. Credit for the impact fee shall be given for this road construction as outlined in Condition No. 3, No. 7, and No. 8 as well as other funds contributed toward Military Trail construction.

11. Surety required for the offsite road improvements as outlined in Condition No. 3, No. 7, and 8 shall be posted with the Office of the County Engineer prior to October 1, 1986.

12. The property owner shall install signalization if warranted as determined by the County Engineer at Clint Moore Road and Jog Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

13. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

14. All property included in the legal description of this Zoning Petition shall be subject to a Declaration of Restrictions and Covenants, acceptable to the County Attorney's office which shall provide, among other things, for the following: Formation of a single "master" property owners' association, and automatic membership in the "master" property owners' association by any party holding title to any portion of the property included in the P.U.D.

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:

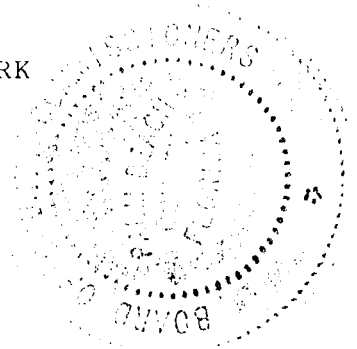
Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	ABSENT
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 8th day of April, 1986 confirming action of the 30th December 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Kelly
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Sprague
County Attorney