

RESOLUTION NO. R-86-573-19

RESOLUTION APPROVING ZONING PETITION 86-6, 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. 86-6 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th January 1986; 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 Petition 86-6, Hamilton Place Planned Unit Development, are operating at or above capacity and that plans exist for additional facilities to alleviate overcrowding of 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 in accordance to the payment schedule established between the petitioner and the School Board.
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 January 1986, that Petition No. 86-6 the

petition of FEDERATED REALTY INC. By William R. Boose, 111, Attorney, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on all Of the Plat of Pinecrest Park, as recorded in Plat Book 4, Page 11, together with Tracts 11 through 24, inclusive, and Tracts 45 through 48, inclusive of The Palm Beach Farms Company, Plat No. 1, as recorded in Plat Book 2, Pages 26 through 28, inclusive, all lying in Section 21, Township 46 South, Range 42 East, together with a part of those certain 15 foot and 30 foot Platted Palm Beach Farms Company Road Rights-of-way lying adjacent and contiguous to said Tracts; all being more particularly described as follows:

Commencing at the North 1/4 corner of said Section 21; thence, bear South 01 degree 54'12" East, along the East line of the Northwest 1/4 of said Section 21, a distance of 789.31 feet for a Point Of Beginning;

Thence, continue, South 01 degree 54'12" East, along said line, a distance of 1218.34 feet; thence, South 89 degrees 08'53" West, along the South line of said Plat of Pinecrest Park and along the South lines of said Tracts 45 through 48, inclusive, a distance of 2667.04 feet to the Southwest corner of said Tract 48; thence, North 01 degree 52'26" West, along the West lines of said Tracts 17 and 48, a distance of 1341.31 feet to the Northwest corner of said Tract 17; thence, North 89 degrees 19'30" East, along the North line of said Tract 17, a distance of 60.01 feet to the East Right-of-way line of Lake Worth Drainage District Canal E-2, as recorded in Official Record Book 2736, Page 416; Thence, North 01 degree 52'26" West, along said Right-of-way line, a distance of 647.07 feet to the North line of said Tract 16; Thence, North 89 degrees 22'49" East, along said North line, a distance of 272.16 feet to the Northeast corner of said Tract 16; Thence, South 01 degree 52'09" East, along the East line of said Tract 16, a distance of 43.01 feet to the South Right-of-way line of Lake Worth Drainage District Lateral Canal L-34 as recorded in Deed Book 146, Page 497; Thence, North 89 degrees 22'49" East, along said Right-of-way line, a distance of 332.18 feet to the East line of said Tract 15; thence, South 01 degree 51'49" East, along said East line, a distance of 11.00 feet to the South

Right-of-way line of Lake Worth Drainage District Lateral Canal L-34 as recorded in Deed Book 113, Page 76; Thence, North 89 degrees 22'49" East, along said Right-of-way line, a distance of 1027.21 feet; Thence, South 00 degree 41'38" East, a distance of 706.39 feet; thence, North 89 degrees 18'22" East, a distance of 989.60 feet to the Point of Beginning (P.O.B.). Said property located on the south side of Delray West Road (S.R. 806), approximately .2 mile east of Florida's Turnpike (Sunshine State Parkway) and being bounded on the north by the L.W.D.D. Lateral Canal No. 34 and the West By L.W.D.D.

E-2 Canal was approved as advertised subject to the following conditions:

1. All property included in the legal description of this Zoning Petition shall be subject to a Declaration of Restrictions and Covenants, acceptable to 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.

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. The petitioner shall convey to the Lake Worth Drainage District:

- a) the required ninety (90) foot right-of-way for Lateral Canal No. 34, as shown on the survey of the subject property, and
- b) the required fifty-five (55) foot right-of-way for Equalizing Canal No. 2, as shown on the survey of the subject property,

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.

5. 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.

6. The property owner shall construct on Delray West Road at the Project entrance road:

- a) Left turn lane east approach,
- b) Right turn lane west approach,

All concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the Office of the County Engineer.

7. 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 Delray West Road along the property frontage and for a maximum 400 feet distance each side of the property boundary lines along Delray West Road. The drainage system within the project shall have sufficient retention/detention

capacity to accommodate the road drainage runoff for the ultimate Thoroughfare Plan Section and be subject to all governmental agency requirements.

8. 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 would presently be \$327,630.00.

9. Based on the Traffic Performance Standards (Category "A"), the Developer has agreed to contribute an additional \$163,815.00 toward Palm Beach County's existing Roadway Improvement Program. The monies shall then be used to accelerate the acquisition of the additional right of way for Military Trail from Stiener Road to the present 4-lane terminus of Military Trail North of Delray West Road. These monies shall be paid as follows:

- a) total \$491,445.00 of which \$18,000.00 shall be paid within 90 days of the Resolution adoption by the Board of County Commissioners.
- b) The balance \$473,445.00 shall be presented to Palm Beach County in Performance Security acceptable to the County Attorneys Office 90 days after adoption of the Resolution by the Board of County Commissioners.

Palm Beach County may begin to draw upon these funds after 15 months of adoption of the Resolution by the Board of County Commissioners.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$163,815.00 shall be credited toward the increased Fair Share Fee.

10. The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Delray West Road.

11. The property owner shall install Signalization if warranted as determined by the County Engineer at Delray West Road and the projects entrance road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

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

13. The density of this project shall be limited to 4.5 dwelling units per acre.

14. Prior to Master Plan Certification, the plan shall be revised to reflect the 2 percent civic site.

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:

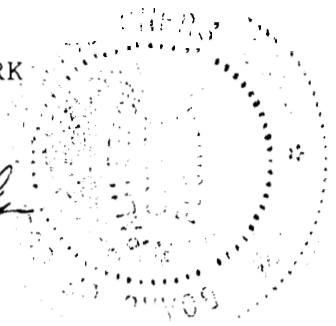
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT
Kenneth M. Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 22nd day of April, 1986 confirming action of the 30th January 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Brown
County Attorney