

RESOLUTION NO. R-87-101

RESOLUTION FIPPROVING ZONING PETITION 86-15, Special Exception

WHEREFIS, 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

WHEREFIS, Petition No. 86-15 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 24, 1966 and

WHEREFIS, 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

WHEREFIS, the Board of County Commissioners made the following findings of fact:

This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

The School Board of Palm Beach County has demonstrated that the schools serving the petition 86-15, Lake St. Clair P. U. D., 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 Requisition 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.

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.

Petitioner shall enter into formal contract with School Board of Palm Beach County to assure timely payment.

12. The property owner shall install signalization if warranted as determined by the County Engineer at project's entrance roads and both El Clair Ranch Road and Boynton Beach Boulevard. 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 provide a minimum asphalt overlay onto El Clair Ranch Road along the project's frontage per the County Engineer's approval.
14. All property included in the legal description of this 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: Formation of a single "master" property owner's association, and automatic membership in the "master" 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 Adams, and upon being put to a vote, the vote was as follows:

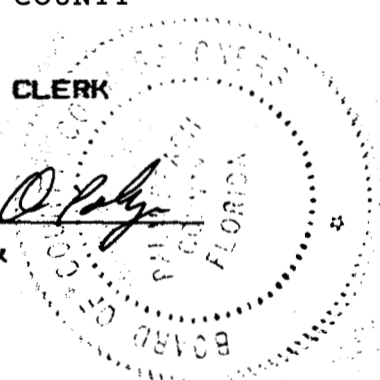
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Ken Spillias, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT
Kenneth M. Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 27th day of January, 1987 confirming action of July 24, 1986.

FILED BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Polye
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney

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. This drainage system shall be maintained in an acceptable condition per the County Engineers approval.
6. The property owner shall convey for the ultimate right-of-way of El Clair Ranch Road, 54 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.
7. The property owner shall construct left and right turn lanes on all approaches at each of the projects' entrance roads onto Boynton Beach Boulevard and onto El Clair Ranch Road concurrent with the construction of the project's entrance road onto Boynton Beach Boulevard and El Clair Ranch Road.
8. 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 Boynton Beach Boulevard and El Clair Ranch Road along the property frontage and for a maximum 400 foot distance each side of the property boundary lines along Boynton Beach Boulevard and El Clair Ranch 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.
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. The Fair Share Fee for this project presently is \$195,854.00 (2,436 trips X \$80.40 per trip).
10. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$48,964.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$244,818.00) to be paid prior to the issuance of the first building permit or prior to January 1, 1987 whichever shall first occur.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$48,964.00 shall be credited toward the increased Fair Share Fee.
11. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:

No more than 208 building permits shall be issued until the contract has been let for Boynton Beach Boulevard as a 4 lane section from Military Trail to El Clair Ranch Road plus the appropriate paved tapers. The project shall be limited to multi-family dwelling unit types.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day of January, 1987, that: Petition No. 06-15, the petition of THE P.S. GROUP, A FLORIDA GENERAL PARTNERSHIP, By Allen Slaman, Agent, for the SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on Tracts 49, 50, 59 & 60, Subdivision of Section 26, Township 45 South, Range 42 East according to the Plat, thereof, as recorded in Plat Book 6, Page 26 and the Northwest 1/4 of the Northwest 1/4 of Section 26, Township 45 South, Range 42 East. Said property located on the southeast corner of the intersection of Boynton Beach Boulevard and El Clair Ranch Road, and being bounded on the south by the Lake Worth Drainage District Canal L-25 was approved as advertised subject to the following conditions:

1. Prior to Master Plan Certification, the Waster Plan shall be revised to reflect the site data breakdown of open space and recreation calculations and percentages.
2. Reasonable precautions shall be exercised during site development to ensure that unconfined particulatee (dust particles) from this property do not become a nuisance to neighboring properties.
3. Reasonable measures shall be employed during site development to ensure 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 south ten (10) feet of Tracts 50 and 59 according to the subdivision of Section 26, P.B. 6, Pg. 26 for the required right-of-way for Lateral Canal No. 25, and
 - b) a parcel of land eighty (80) feet in width lying immediately south of and parallel with the south right-of-way line of Boynton Beach Boulevard for the required right-of-way for Lateral Canal No. 24,

by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of approval of the Resolution by the Board of County Commissioners.