

RESOLUTION NO. R- 87-439

RESOLUTION APPROVING ZONING PETITION 86-121, 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. 86-121 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 23, 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. With required master plan modifications, this proposal ~~will~~ be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this ~~24th~~ day of ~~March~~, 19~~87~~, that: Petition No. 86-121, the petition of K. HOVNANIAN AT DELRAY BEACH, INC., By Frank J. Steinitz, Sr., Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on Tracts 105 thru 120, inclusive, Block 9, Palm Beach Farms Company Plat No. 1, in Section 9, Township 46 South, Range 42 East, as recorded in Plat Book 2, Pages 26, 27 and 28. Said property located on the west side of Hagen Ranch Road being bounded on the north by 137th Place South, bounded on the

south by L.W.D.D. Canal 32, and being bounded on the west by L.W.D.D. Canal No. E-2-E was approved as advertised subject to the following conditions:

1. Prior to master plan certification, the master plan shall be amended to reflect the following:
 - a. Required number of trees to be preserved or planted (2,249 trees are required).
 - b. Total site area should be noted as 80.37 acres.
 - c. A program for the removal of all prohibited plant species.
2. **A** 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.**
3. Prior to site plan certification, the location of wooded areas and existing and proposed water bodies shall be submitted.
4. The developer shall meet the stormwater retention requirements in effect at the time of the permit application for the applicable drainage district. However, at a minimum, 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. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the Drainage System is not adequately maintained to the satisfaction of the County Engineer, the matter shall be submitted to the Code Enforcement Board for review and possible citation.
5. The property owner shall convey for the ultimate right-of-way for:
 - a. Hagen Ranch Road, 40 feet from centerline within 90 days of the approval of the Resolution approving this project.
 - b. The construction of a right turn lane, north approach on Hagen Ranch Road at the project's entrance road. This right-of-way shall be a minimum on one hundred fifty (150) feet in length, twelve (12) feet in width, and a taper length of one hundred eighty (180) feet.All within ninety (90) days of adoption of the Resolution approving this project.
6. The property owner shall construct at the project's entrance road and Hagen Ranch Road:
 - a. left turn lane, south approach
 - b. right turn lane, north approachall concurrent with onsite paving and drainage improvements.

7. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of Hagen Ranch Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Hagen Ranch Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff.

8. 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 \$253,099 (3,148 trips X 80.40 per trip).

Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$63,274 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$316,373 to be paid prior to the issuance of the first building permit, or prior to July 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 \$63,274 shall be credited toward the increased Fair Share Fee.

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

a. the south 15 feet of Tracts 113-120 including Block 9, Palm Beach Farms Company Plat No. 1 for the right of way for Lateral Canal No. 32

b. and the west 85 feet of Tracts 112 and 113, Block 9 Palm Beach Farms Plat No. 1 for the required right-of-way for Equalizing Canal No. 2-E

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.

10. Maximum height of structures within the Multifamily pods shall be limited to three (3) stories with a maximum height of forty (40) feet.

11. The Property Owner shall install signalization, when warranted by the County Engineer, at the intersection of Hagen Ranch Road and Delray West Road (West Atlantic Avenue). However, within twelve (12) months of issuance of final Certificate of Occupancy, should signalization not be warranted, then this developer shall be relieved of this condition.

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

Karen T. Marcus	--	AYE
Jerry L. Owens	--	AYE
Ken Spillias	--	AYE
Dorothy Wilken	--	NAY
Kenneth M. Adams	--	ABSENT


The foregoing resolution was declared duly passed and adopted this 24th day of March, 19-82, confirming action of October 23, 1986.

PALM BEACH COUNTY, FLORIOA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jina M. Eddings
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



County Attorney