

RESOLUTION NO. R-88-1192

RESOLUTION APPROVING ZONING PETITION NO. 87-32
SPECIAL EXCEPTION PETITION OF JACK E. COOK AND WILLIE H. DAY

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. 87-32 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 23, 1987; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-32 the petition of JACK E. COOK AND WILLIE H. DAY, by Alan J. Ciklin, Esquire, for a SPECIAL EXCEPTION TO EXTINGUISH A SPECIAL EXCEPTION FOR A CHURCH PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 80-239, AND TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land lying on the North 360 feet of Tract 10, Block 4, Palm Beach Farms Company Plat No. 3 in Section 28, Township 43 South, Range 42 East as recorded in Plat Book 2, Pages 45 Through 54 Inclusive, Less the West 200 feet of the East 210 feet of the North 300 feet thereof, and Less the West 7 feet of the South 300 feet of the North 360 feet thereof, together with the Northeast 1/4 of Tract 7, Block 3, Less the East 8 feet thereof, Palm Beach Farms Co. Plat No. 3 in Section 28, Township 43 South, Range 42 East as recorded in Plat Book 2, Pages 45 Through 54, located on the east and west side of Skees Road, approximately .3 miles north of Belvedere Road (10th Street North) and is bounded on the

north by Lake Worth Drainage District Lateral Canal No. 2., in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to master plan certification, the master plan shall be amended to indicate the following:
 - a. required acreage of recreation, or equivalent value of facilities.
2. Existing vegetation shall be incorporated into the project design within the twenty-five (25) foot P.U.D. buffer, building setback areas, open space and recreation tracts. Clearing shall be limited to roadways, retention areas, building pads, and prohibited species.
3. 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.
4. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However at a minimum, this development shall retain onsite the first one (1) 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.
5. The property owner shall convey for the ultimate right-of-way of Skees Road, 40 feet from centerline within 90 days of the approval of the Resolution approving this project.
6. The property owner shall construct a left turn lane, north approach and a left turn lane, south approach on Skees Road at the project's entrance road concurrent with onsite paving and drainage improvements.
7. 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 \$18,860.00 (704 trips X \$80.40 per trip).

Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$4,715.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$23,575.00 to be paid prior to the issuance of the first building permit or prior to October 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 \$4,715.00 shall be credited toward the increased Fair Share Fee.

8. The petitioner shall convey to the Lake Worth Drainage District the north 51 feet of the northeast 1/4 of Tract 7, Block 3 and the north 45 feet of Tract 10, in Palm Beach Farms Company, Plat No. 3 for the right-of-way for Lateral Canal No. 2 by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project.
9. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.
10. Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the property.
11. Maximum residential density shall be limited to three (3) dwelling units per acre.

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 9th day of August, 1988 confirming action of July 23, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

