

RESOLUTION NO. R-89- 2231

RESOLUTION APPROVING ZONING PETITION NO. 89-46
SPECIAL EXCEPTION PETITION OF JAMES R. MEROLA, TRUSTEE

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 have been satisfied: and

WHEREAS, Petition No. 89-46 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 30, 1989: and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-46 the petition of JAMES R. MEROLA, TRUSTEE, for a SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT on a parcel of land lying on Tracts 5 through 8, inclusive, and Tracts 17 through 20, inclusive, of Boynton Gardens, Section 23, Township 45 South, Range 42 East, in Plat Book 6, Page 32, together with all right, title and interest to the roadway 30.00 feet in width, contiguous to the South line of Tracts 1-12, inclusive, and the North line of Tracts 13-24, inclusive, of said Boynton Gardens, less, however, the portion thereof lying within 75.00 feet of each side of the North-South 1/4 Line of said Section 23, and less the portion thereof lying within 40.00 feet of the West line of said Section 23; together with the rights and subject to the limitations contained in Ingress and Egress Agreement recorded in Official Record Book 3319, Page 1773, and License Agreement recorded in Official Record Book 5099, Page 1828: This deed is given to correct a scrivener's error in the legal description contained in the deed recorded in Official Records Book 5327, page 0908 and to correct the recording information regarding the License Agreement referred to in that deed, being located on the west side of lake Worth Drainage District E-3 Canal and the north side of Boynton C-16 Canal, approximately .5 mile west of Military Trail (SR 809) in a RTS-Residential Transitional Suburban Zoning District, was approved

on June 30, 1989, as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. The required 1.4 acre recreation tract as required by the Subdivision Code, Article IX, Section VIII (Parks and Recreation Areas) based on a ratio of 5 acres of land per 1,000 people population:
 - b. A 20 foot wide lake maintenance easement along the perimeter of the proposed water management tract exclusive of the recreation tract; and,
 - c. Access to the lake maintenance easement in the form of an established easement.
2. The petitioner shall provide an 80 foot access right-of-way into the site, subject to approval from the County Engineer prior to Site Plan Review Committee certification.
3. The development shall be limited to 108 single family dwelling units.
4. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
6. There is a potential for hazardous materials to be stored onsite, an Affidavit of Notification must be executed by site plan certification.
7. The Developer shall provide discharge control and treatment for 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 inch of stormwater runoff. In the event that the subject site abuts a Florida Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
8. The petitioner 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 \$804.00 per approved single family home under 2,000 square feet and \$1,045.00 per approved single family home over 2,000 square feet.

9. The property owner shall convey to the Lake Worth Drainage District the:
 - a. South 50 feet of tracts 17 through 20 inclusive of Boynton Gardens, Plat Book 6, Page 32 for the required right-of-way for the Boynton Canal: and,
 - b. East 40 feet of tracts 5 and 20 of Boynton Gardens for the required right-of-way for Equalizing Canal No. 3.

All 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.

10. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
 - a. No more than 22 building permits shall be issued until construction has begun for Military Trail as a 4 lane section from Steiner Road to Hypoluxo Road plus the appropriate paved tapers: and,
 - b. No more than 75 building shall be issued until construction has begun for Military Trail as a 6 lane section from N.W. 22nd Avenue to Boynton Beach Boulevard plus the appropriate paved tapers.

No building permits for the subject site shall be issued after December 31, 1992.

11. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
12. Prior to Site Plan approval the site plan shall be amended to reflect:
 - a. Minimum 95 foot Center line radii;
 - b. Minimum 100 foot tangents between all curves;
 - c. Minimum 150 foot distance between a curve and an intersecting roadway;
 - d. Elimination of all "Y" intersections;
 - e. Lots shall not occupy any portion of the Lake Worth Drainage District easements: and,
 - f. All lots shall front onto a minimum 50 foot road right-of-way.

or as approved by the Engineering Department.

13. Prior to the issuance of the first building permit this project shall have paved access to the site.

14. Proposed bridge over the Lake Worth Drainage District E-3 Canal shall have pedestrian crossing of not less than 5 feet on both the north and south side and shall be reconstructed if required by the County Engineer.
15. Signage along Tartan Lakes Boulevard shall be installed subject to approval of the County Engineer with respect to any advanced notification for pedestrians areas or existence of any recreation areas.
16. Petitioner shall enter into an agreement with the Tartan Lakes Homeowners Association for the Maintenance of Tartan Lakes Boulevard.
17. Prior to Master Plan and Site Plan Certification, the petitioner shall submit a copy of the environmental assessment for the subject site.
18. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Roberts moved for approval of the Resolution.


The motion was seconded by Commissioner Phillips and, upon being put to a vote, the vote was as follows:

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|--------------------------|----|--------|
| Carol J. Elmquist, Chair | -- | Absent |
| Ron Howard | -- | Aye |
| Karen T. Marcus | -- | Aye |
| Carole Phillips | -- | Aye |
| Carol Roberts | -- | Aye |

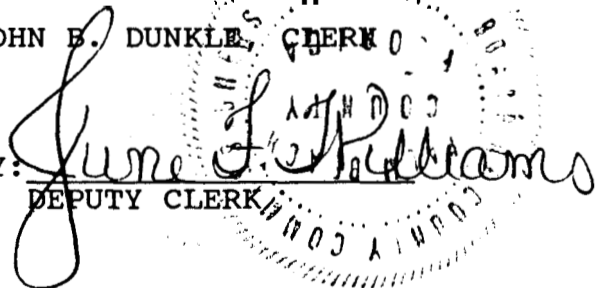
The Chair thereupon declared the resolution was duly passed and adopted this 12th day of December, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK

