

RESOLUTION NO. R- 85-468

RESOLUTION APPROVING ZONING PETITION **84-138**, 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. **84-138** was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the **3rd** of **October**, 1984; 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. The proposal is consistent with the requirements of the Comprehensive Plan.
2. The proposal, with minor modifications to the submitted master plan, will be consistent with the requirements of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of September **1984**, that Petition No. **84-138** the pe LEROY B. SHERMAN, 111, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land lying in the Northeast **1/4** of Section **2**, Township **43** South, Range **42** East, more particularly described as follows:

Commence at the North **1/4** of said Section **2**; thence South **1** degrees **28'10"** West for **50.00** feet to the South right-of-way of the North Palm Beach County Water Management District Canal Right-Of-Way and the Point of Beginning of the following described parcel; thence continue South **1** degrees **28'10"** West for **727.54** feet to the Westerly

extension of the South line of a 35.00 foot canal right-of-way as shown on the Plat of Gramercy Park Unit One, as recorded in Plat Book 27, Page 51, thence along said South line and the Easterly extension thereof South 88 degrees 31'50" East for 2564.87 feet to the West right-of-way of Haverhill Road; thence along said West right-of-way North 4 degrees 56'03" East for 37.07 feet to the North line of Gramercy Park Unit Three as recorded in Plat Book 28, Page 12, thence along said North line North 88 degrees 31'50" West for 0.76 feet to the continuation of the said West right-of-way, being a non-tangent curve, concave to the West, having a radius of 5689.60 feet, where the radial line bears North 86 degrees 06'24" West, thence along said curve to the left through a central angle of 2 degrees 00'33" for 199.51 feet; thence North 88 degrees 31'50" West for 210.33 feet; thence North 1 degrees 28'10" East for 490.51 feet to the said South right-of-way of the North Palm Beach County Water Management District Canal; thence along said South canal right-of-way North 88 degrees 30'57" West for 721.04 feet; thence South 1 degrees 28'10" West for 109.34 feet; thence North 88 degrees 31'50" West for 65.93 feet; thence South 1 degrees 28'10" West for 22.10 feet; thence North 88 degrees 31'50" West for 253.99 feet to the East line of a North-South 40.00 feet wide canal right-of-way as shown on said plat of Gramercy Park Unit One; thence along said East line North 1 degrees 28'10" East for 131.52 feet to the said South canal right-of-way; thence along said South canal right-of-way North 88 degrees 30'57" West for 1320.00 feet to the Point of Beginning. Said property located on the west side of Haverhill Road, approximately .2 mile north of 45th Street (S.R.702) was approved as advertised subject to the following conditions:

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1. Prior to site plan certification, a revised master plan shall be submitted reflecting the following:

- a) A continuous 25' landscape buffer around the development.
- b) Housing types, approximate acreage and number of dwelling units denoted on each pod.
- c) Areas for preservation of existing significant vegetation. A tree survey shall be required prior to site plan certification.
- d) Recreation amenities and their locations.

2. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

3. 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.

4. The property owner shall convey for the ultimate right of way of

(A) Haverhill Road, 54 feet from Centerline,

(B) Park Avenue, 80 feet along the project's west property line unless alternate access to the parcel to the north is provided ■

All rights of way shall be conveyed 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 ■

5. The Developer shall align the project's entrance road with Carribean Boulevard.

6. The Developer shall construct, per the County Engineer's approval, concurrent with the construction of the project's entrance road onto Haverhill Road:

(A) Left turn lane, South approach

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(B) Right turn lane, North approach

7. The property owner shall provide paved access to the "not included" parcel by way of a dedicated road right of way.

8. The Petitioner shall provide Palm Beach County with a road drainage easement through this project's internal lake system to legal positive outfall for the road drainage of Haverhill Road. This drainage easement shall 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. Presently, the Fair Share fee for this project is \$200 per approved multi-family dwelling unit and \$300 per approved single-family unit.

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

10. The Petitioner shall provide proof of ownership of the adjacent canals to the County Engineer and County Attorney's office. If an alternate drainage course for the properties to the south will be provided this shall be coordinated and approved by the office of the County Engineer.

11. 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.

12. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

13. The developer shall notify all potential purchasers of units in

this development of proximity of the project to the proposed resource recovery and land fill site.

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

| | | |
|--------------------------------|----|-----|
| Ken Spillias, Chairman | -- | Yes |
| Dorothy Wilkens, Vice Chairman | -- | Yes |
| Peggy Evatt, Member | -- | Yes |
| Dennis P. Koehler, Member | -- | Yes |
| Bill Bailey, Member | -- | Yes |

The foregoing resolution was declared duly passed and adopted this day of **MAR 19 1985** confirming action of the 3rd of October, 1984.

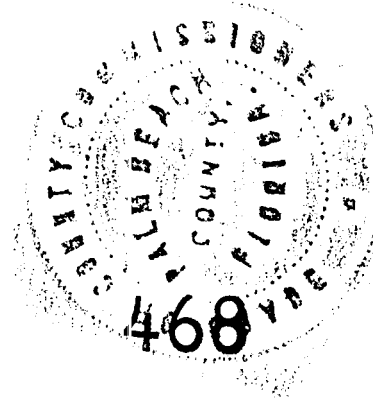
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Kathy L. Davis*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

85



Janey Sprague
County Attorney

FILED THIS _____ DAY OF
MAR 19 1985, 19____
AND RECORDED IN RESOLUTION
MINUTE BOOK NO. _____ AT
PAGE _____, RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY *Kathy L. Davis* D.C.