

RESOLUTION NO. 6-71

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ON THE APPLICATION OF FLAGLER SYSTEM, INC. FOR TENTATIVE APPROVAL FOR A PLANNED UNIT DEVELOPMENT.

* * * * *

WHEREAS, Flagler System, Inc. did submit an application for tentative approval together with supporting documentation for Planned Unit Development for the property commonly referred to as "The Breakers" on October 30, 1970, in accordance with Article Seven of Ordinance 3-70, and;

WHEREAS, the Zoning Commission of the Town of Palm Beach did review said application at their meeting of February 23, 1971, and file a report on said review, said report being on file for a period of not less than fifteen (15) days and available for public inspection, and;

WHEREAS, the Town Council of the Town of Palm Beach did hold a public hearing on the days of March 23, 24, 25 and 26 during which all interested parties were afforded an opportunity to be heard, and;

WHEREAS, the Town Council in accordance with Section 7.33 of Ordinance 3-70 does make the following findings:

1. The Planned Unit Development plan, as submitted, is basically consistent with the statement of general objectives of a Planned Unit Development as set forth in Section 7.10.
2. The Planned Unit Development plan, as submitted, departs from the principles contained within the Com-

prehensive Plan dated January, 1970, and, in the opinion of the Town Council, such departures are not deemed to be in the public interest. Said departures include:

- (a) The overall gross density is excessive in view of the recommendations contained in the Comprehensive Plan dated January, 1970.
- (b) The bulk of the structures proposed within the northeastern portion of said plan is excessive.
- (c) The Planned Unit Development plan, as submitted, does include an adequate amount of open space located in a satisfactory manner; however, the provisions proposed for insuring that the golf course will be maintained as open space are not adequate.
- (d) The Planned Unit Development plan, as submitted, does make adequate provision for public services, provides adequate control over vehicular traffic and furthers the amenities of light and air, recreation and visual enjoyment except insofar as the physical and visual penetration to the beach area is concerned.
- (e) The Planned Unit Development plan, as submitted, will not be compatible with the neighboring development, both existing and proposed, to the north.
- (f) The Planned Unit Development plan, as submitted, will not protect the interests of the public and the residents and owners of the Planned Unit Development unless said plan is modified as hereinafter suggested,

and;

WHEREAS, the Town Council, after deliberation and after carefully evaluating both the recommendations of the Zoning Commission

and the comments received from interested parties at the aforementioned public hearing, does find the Planned Unit Development plan to be in the best interests of the Town of Palm Beach except as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1: That the tentative plan for Planned Unit Development as submitted by Flagler System, Inc., on October 30, 1970, for "The Breakers" be granted tentative approval subject to conditions not included in the plan as submitted and as specified below.

Condition 1. The density of the proposed residential facilities as set forth on page 9 of the application shall be reduced by not less than twenty percent (20%). Said reduction of at least 124 dwelling units shall be applied in the following manner:

- (a) Phase One which consists of 124 residential units, as proposed, shall be reduced by not less than forty-five percent (45%) or 55 units. (See conditions two and four for purposes of said reduction.)
- (b) Phase Two which consists of 96 residential units, as proposed, shall be reduced by not less than eleven percent (11%) or 11 units. (See conditions two and four for purposes of said reduction.)
- (c) Phases Three, Four and Five which consist of 34, 32, and 32 residential units respectively need not be reduced.
- (d) Phase Six which consists of 62 residential units, as proposed, shall be reduced by not less than twenty percent (20%) or 12 units. (See condition four for purpose of said reduction.)

- (e) Phase Seven which consists of 16 residential units, as proposed, need not be reduced.
- (f) Phase Eight which consists of 50 residential units, as proposed, shall be reduced by not less than fifteen percent (15%) or 8 units. (See condition four for purpose of said reduction.)
- (g) Phase Nine which consists of 63 residential units, as proposed, shall be reduced by not less than thirty percent (30%) or 18 units. (See condition four for purpose of said reduction.)
- (h) Phase Ten which consists of 86 residential units, as proposed, shall be reduced by not less than twenty percent (20%) or 17 units. (See condition two for purpose of said reduction.)
- (i) Applicant shall further reduce the total residential units by not less than 3 units from such location as applicant may determine.

Condition 2. The north-south lateral spread of the structures proposed within Phases one, two and ten (development areas A, B and J) are excessive and should be reduced to comply with both the principles of the Comprehensive Plan dated January, 1970, and the application's development guideline "C" which states in part, "both physical and visual penetration to the beach from the interior of the site" (should be retained).

Condition 3. The provisions proposed for insuring that the open space areas designated for a golf course will be maintained are not sufficient. The applicant shall provide additional methods of insuring the retention of the golf course consistent with the statement of intent on page 2 of the applicant's submission. This insurance shall include:

- (a) The applicant shall, in conjunction with the application for final approval of the first phase, file a plat of the entire Breakers property delineating the proposed development included in Phases 1 through 10, inclusive, in accordance with the provisions of Chapter 177, Florida Statutes, 1969, and indicate thereon the golf course area as open space.
- (b) The applicant shall provide a deed restriction or covenant running with the land or enter into a contract with the Town of Palm Beach which will guarantee the retention of the golf course area as open space for a period of not less than thirty (30) years or so long as the subject property is zoned for Planned Unit Development, whichever time is the greater.

Condition 4. The building heights proposed along the northern portion of the development are excessive in view of the development, both existing and proposed. These building heights shall be reduced in the following manner:

- (a) Those buildings fronting or siding directly on the northern property line or Royal Poinciana Way or its extension shall not exceed four (4) stories.
- (b) Those buildings which also front on Royal Poinciana Way or its extension but have some additional setback shall not exceed five (5) stories.

Condition 5. In accordance with the recommendations of the Zoning Commission supplemented by the administrative recommendations, the following conditions are also included:

- (a) That all public improvement costs, including but not limited to traffic improvement and public utility improvement costs directly attributable to or resulting from the proposed development, be borne

by the applicant regardless of whether said improvements are on or off-site.

- (b) That, in addition to the improvement of Cocoanut Row south of Royal Poinciana Way, the extension of Royal Poinciana Way (Main Street), and the improvement of County Road at the Breakers Road intersection; Cocoanut Row at the southwestern edge of the site be improved by increasing the radii of the existing curves and providing a tangent between said reverse curves.
- (c) That the pedestrian crossings of County Road be as follows:
 - (1) That the signalized crossing at Royal Poinciana Way be maintained.
 - (2) That the uncontrolled crossing in the vicinity of Via Bethesda for golf cart use only be maintained.
 - (3) That the signalized crossing at the existing Pine Walk be maintained until Phase Four. At that time, a subterranean crossing should be constructed in the same area.

It is specifically emphasized that pedestrian crossings at Breakers Road should not be permitted. This intersection, by its very nature, will have a large number of turning movements and a pedestrian cycle at this location will unavoidably cause delays and inconvenience to traffic circulation.

- (d) That Phase One of the CA development area be amended to eliminate the extensive parking area south of the proposed commercial buildings along Cocoanut Row.

- (e) That the extension of Royal Poinciana Way be undertaken in Phase Two.
- (f) That the internal circulation system will be designed to allow easy police and fire access to all structures.
- (g) That the developer and contractor(s) will follow and abide by all ordinances, policies, and procedures of the Town as in effect at the time of development.

Section 2: That the following periods of time are established for filing applications for final approval:

<u>PHASE</u>	<u>MAXIMUM TIME AFTER TENTATIVE APPROVAL (MONTHS)</u>
1	36
2	66
3	90
4	102
5	114
6	126
7	138
8	150
9	162
10	174

Section 3: Due to the complexity of the conditions of approval, the applicant, if he chooses to accept all said conditions as set forth herein, shall submit amended drawings and supplemental information as required to indicate the Planned Unit Development plan as amended in conformance to the conditions set forth and that tentative approval shall become effective when such drawings and supplemental information are received by the Town of Palm Beach and found to be in conformance with the conditions set forth herein.

Section 4: The applicant at the time of submission of each application for final approval shall submit all drawings and specifications as required by the policies of the Town at the time of

submission and that the form and amount of a performance bond, if required, shall be as required by the policies of the Town at the time of submission for final approval.

Section 5: All of the recommendations as contained in the Report and Recommendations of the Zoning Commission with respect to the application of Flagler System, Inc. for a Planned Unit Development, dated February 26, 1971, are incorporated herein by reference except insofar as such recommendations may be in conflict with the provisions of Sections 1, 2, 3 and 4 of this resolution.

Section 6: The Town Clerk be and he is hereby directed to furnish a certified copy of this resolution, by certified mail, to the applicant, and applicant shall within 45 days after receiving said certified copy notify the Town Council of the acceptance of, or refusal to accept all of, said conditions as provided in Section 7.33(b) of Ordinance 3-70 and further subject to the provisions of Section 7.33(d).

PASSED AND ADOPTED in regular, adjourned session assembled on the 31st day of March, 1971.



J. Hollingsworth
George J. Matthews
B. H. Cehery
Robert M. Grace
Town Council

APPROVED:


Earl Smith
Mayor

ATTEST:

Lynne Jones
Town Clerk

No. 812107

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July 1969

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April 2, 1971

Mr. Marshall Criser, Attorney
Gunster, Yoakley, Criser, Stewart & Hersey
First National Bank Building
Palm Beach, Florida 33480

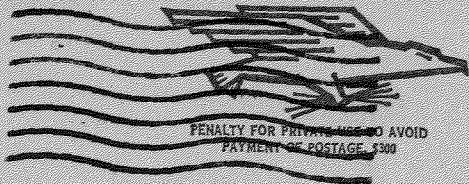
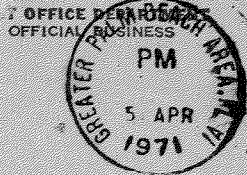
Dear Mr. Criser:

Attached hereto is certified copy of Resolution
No. 6-71 which was passed and adopted in regular, adjourned
session of Town Council of the Town of Palm Beach, Florida
on March 31, 1971.

Sincerely yours,

HGB/dc
encl.
Certified Mail

Hugh G. Bruce
Town Clerk-Treasurer



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APR

3 1971

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