

RESOLUTION NO. R-85-1085

RESOLUTION APPROVING ZONING PETITION 85-35, 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. 85-35 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd May 1985; 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. The petitioner has voluntarily agreed to provide the School Board of Palm Beach County, \$1,500.00 representing \$250.00 for each of the 6 dwelling units in the subject development. These funds shall be used by the School Board of Palm Beach County for school site acquisition and/or site related improvements, to alleviate schools serving the area of Palm Beach County in which the PUD is located.

Payment shall be made in full to the School Board of Palm Beach County at time of issuance of the first residential building permit within the PUD.

NOW, THEREFORE, RE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 23rd of May 1985, that Petition No. 85-35 the petition of KENNETH JEWELL AND ROBERT WHITAKER for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the West 1/2 of Tract 22, the East 1/2 of Tract 26, and the West 1/2 of Tract 27, Block 12, Palm Beach Farms Company, Plat No. 3, in Sections 4 and 5,

Township 44 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54. Said property located on the south side of Pioneer Road approximately .2 mile east of Benoist Farms Road being bounded on the south by Lake Worth Drainage District Canal No. L-5 was approved as advertised subject to the following conditions:

1. Prior to site plan certification the area of the Cypress stand shall be delineated and dimensioned on the Master Site Plan.

2. Throughout the site the Developer shall preserve existing significant vegetation, in addition to the Cypress stand, wherever possible. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

3. Preservation of the Cypress stand shall be managed as a preservation area by the Homeowners' Association, or by deed restrictions.

4. 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.

5. The developer shall construct Pioneer Road from the present paved terminus west of Jog Road west to the project's entrance road concurrent with the improvements required with the first plat. Should a contract be bet for the paving of any portion of this road prior to the developer filing a plat, this developer shall not be responsible for paving this section of road.

6. The Petitioner shall provide Palm Beach County with a road drainage easement with sufficient retention/detention capacity through this project's internal lake system to legal positive outfall for the road drainage of Pioneer Road This drainage easement shall be subject to all governmental agency requirements.

7. 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 is \$804 per approved single family dwelling unit under 2,000 square feet and \$1,045 per approved single family dwelling unit over 2,000 square feet.

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.

8. 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.

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

10. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

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

Ken Adams, Chairman -- AYE
Karen T. Marcus, Vice Chairman -- ABSENT
Kenneth Spillias, Member -- ABSENT
Jerry L. Owens, Member -- AYE
Dorothy Wilken, Member -- AYE

The foregoing resolution was declared duly passed and adopted
this 23rd day of **July** confirming action of the 23rd May 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupre
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Griffin
County Attorney