

RESOLUTION NO. R- 85-1959

RESOLUTION APPROVING ZONING PETITION 85-96, 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. 85-96 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th September 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. With minor plan modifications, this proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 30th of September 1985, that Petition No. 85-96 the petition of FOREST HILL GOLF, INC., By Alan Ciklin, Agent for a SPECIAL EXCEPTION TO ALLOW A PLANIJD RESIDENTIAL DEVELOPMENT on the South 545.76 feet of the North 875 feet of the West 3/4 of Lot 5, Block 4, Palm Beach Plantations,

Together with:

The East 1/4 of Lot 5 and all of Lot 6, Block 4, Palm Beach Plantations, Less the North 445.1 feet thereof and less the South 40 feet thereof for Canal Right-of-way, in Section 7, Township 44 South, Range 43 East. Said property located on the east side of Tucker Road, approximately 270 feet south of Forest Hill Boulevard (S.R. 882) being bounded on the south by L.W.D.D. Lateral Canal No. 8 was

approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be amended to reflect the following:

a) Revised dwelling unit number to conform with code requirements pursuant to section 607.D.1. (minimum lot area).

b) Inter-pod access points from the central access right-of-way.

c) Bike and pedestrian way linkage with the proposed Meadow Lakes P.C.D.

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. 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.

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

5. The following representations shall bind the property owner and all successors in title to this property:

a) The property owner shall make any needed off-site modifications to water and sewer collector lines and and lift stations, which may be required to serve this project.

b) The property owner shall not commence the construction of any buildings on the subject property until such time as the moratorium on water and sewer service is lifted.

6. 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.

7. The property owner shall construct Tucker/Davis Road as a 3-lane section from Forest Hill Boulevard to the project's entrance road with the appropriate paved tapers south of project's entrance per the County Engineer's approval.

8. The property owner shall plat this subject parcel per the County Engineer's approval.

9. The property owner shall reserve a drainage easement across this subject property from the adjacent parcel to the north.

10. The property owner shall enter into a cross-access agreement with the commercial parcel, presently designated as Meadow Lakes PCD, in the northeast corner, and construct the same.

11. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

12. 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 \$89,163.00.

13. There shall be a six (6) foot high wooden fence constructed along the property lines abutting the RM zoned outparcel area in the southwest corner.

14. Exact copies of all graphics presented at the Planning

Commission and Board of County Commissioners public hearings shall be submitted to the Zoning Division for inclusion into the permanent petition file.

15. The property owner shall install signalization if warranted as determined by the County Engineer at Davis Road and Forest Hill Boulevard. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved of this requirement.

16. The developer shall plant solid sod in the area between Tucker Road and this project's west property line. This area shall be maintained by the developer.

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

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

The foregoing resolution was declared duly passed and adopted this 3rd day of December 1985 confirming action of the 30th September 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Linda C. Nickerson
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Spagnoli
County Attorney

FILED THIS DAY OF
DEC. 03. 1985, 19
AND RECORDED IN
MINUTE BOOK NO. AT
PAGE RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY LH D.C.