

RESOLUTION NO. R-88-1799

RESOLUTION APPROVING ZONING PETITION NO. 87-87  
SPECIAL EXCEPTION PETITION OF JOSEPH A. PALERMO

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. 87-87 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 1987; 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, 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 made the following findings of fact:

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-87 the petition of JOSEPH A. PALERMO, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED RESIDENTIAL DEVELOPMENT on the following parcels of land:

PARCEL 1:

Begin that portion of land lying in the Northwest 1/4 of the Northeast 1/4 of Section 13, Township 45 South, Range 42 East, more particularly described as follows, to wit:

Beginning at the Quarter section corner of the North line of Section 13, Township 45 South, Range 42 East, thence run

Southerly along the Quarter Section line, having a bearing South 0 degrees 14' 19" West for a distance of 350.00 feet to a point; thence run South 88 degrees 50' 05" East, for a distance of 30.00 feet to the Point of Beginning of this parcel; thence continuing along the same bearing for a distance of 695.42 feet to a point; thence run South 0 degrees 58' 01" West for a distance of 651.68 feet to the point; thence run North 89 degrees 23' 02" West for a distance of 687.23 feet to a point; thence run North 0 degrees 14' 19" East for a distance of 217.97 feet to a point; thence run South 89 degrees 17' 00" East for a distance of 175.00 feet to a point; thence run North 0 degrees 14' 19" East for a distance of 102.00 feet to a point; thence run North 89 degrees 17' 00" West for a distance of 175.00 feet to a point; thence run North 0 degrees 14' 19" East for a distance of 338.36 feet to the Point of Beginning. TOGETHER WITH:

PARCEL 2:

Beginning at the Quarter Section corner in the North line of Section 13, Township 45 South, Range 42 East, thence running Southerly along the West line of the Northeast 1/4 of Section 13, for a distance of 688.36 feet to a point; thence turn an angle of 90 degrees 28' 40" from North to East and go in an Easterly direction a distance of 30 feet to the Point of Beginning; thence continue in an Easterly direction along the same line a distance of 175.00 feet to a point; thence turn an angle of 90 degrees 28' 40" from West to South and go in a Southerly direction a distance of 102.00 feet to a point; thence turn an angle of 89 degrees 31' 20" from North to West and go a distance of 175.00 feet to a point; thence turn an angle of 90 degrees 28' 40" from East to North and go in a Northerly direction a distance of 102.00 feet to the Point of Beginning, located on the east side of 45th Street South, approximately 140 feet north of Redding Road, in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Since sewer service is available to the property, septic tank shall not be approved for use on said property.
2. Since water service is available to the property, a potable water well shall not be approved for use on said property.
3. Prior to any Master Plan or Site Plan certification, the property owner shall either:
  - a) acquire and convey to Palm Beach County or the public a minimum of 50 feet road right of way from the subject site to Military Trail; or,

- b) receive a variance to permit the subdivision and plat recordation with a lesser width of road right of way than 50 foot. Failure of the petitioner to obtain right of way shall not be used for grounds to receive a variance.
- 4. The developer shall retain 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 the stormwater runoff per Falm Beach County Subdivision and Platting Ordinance 73-4, as amended. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
- 5. The property owner shall convey for the ultimate right-of-way of 45th Street South, 30 feet from centerline within 90 days of the approval of the Resolution approving this project.
- 6. The property owner shall construct 45th Street South as a minimum of 2-10 feet travel lanes (local street standards) from Military Trail to the project's entrance road concurrent with onsite paving and drainage improvements.
- 7. 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 \$31,356, a)\$804.00 per approved single family dwelling unit under 2,000 square foot and \$1,045 per approved single family dwelling unit over 2,000 square foot.
- 8. Fill material from the proposed lake shall not be disposed of off the site.
- 9. Fill material from the proposed lake shall not be disposed of off the site.
- 10. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following schedule:
  - a) No more than 17 building permits shall be issued until construction has commenced for Military Trail as a 4 lane section from Hypoluxo Road to Boynton Beach Boulevard.

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

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of October, 1988 confirming action of November 30, 1987.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

