

RESOLUTION NO. R-89- 714

RESOLUTION APPROVING ZONING PETITION NO. 88-97
SPECIAL EXCEPTION PETITION OF AN-SCA INVESTMENT CO. INC., AND
PAUL A. AND EDNA G. FICHERA

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. 88-97 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 25, 1988; 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. 88-97 the petition of AN-SCA INVESTMENT CO. INC., AND PAUL A. AND EDNA G. FICHERA, by David Flinchum, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT on a parcel of land lying at Tracts 1,2,3,4, the East 47.00 feet of Tract 5, the East 12.45 feet of Tract 30, the North 66.00 feet of Tracts 31 and 32, Block 73 of Palm Beach Farms Company Plat No.3 as recorded in Plat Book 2, Page 52, less the North 110.00 feet and the East 29.00 feet thereof, being located on the southwest corner of the intersection of Clint Moore Road and Lyons Road in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended

to indicate the following:

- a. Compliance with Article IX, Section VIII (Parks and Recreational Area) of the Subdivision Ordinance.
2. The property owner shall meet all provisions of Palm Beach County's Subdivision and Platting Ordinance 73-4 as amended.
3. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
4. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
5. The developer shall provide discharge control and treatment for 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 stormwater runoff. In the event that the subject site abuts a Florida Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
6. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Clint Moore Road;
 - a. An additional 54.5 feet; and
 - b. Lyons Road an additional 35.5 feet along the east property line.

free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. Right-of-way dedication shall be in accordance with Palm Beach County's proposed right-of-way map as prepared by Metric Engineering Sheet 4.

7. The property owner shall construct or fund the construction of a left turn lane east approach and a right turn lane west approach at the project's entrance and Clint Moore Road. Palm Beach County shall make the

sole determination as to whether or not to include these turn lanes in the reconstruction of Clint Moore Road from Lyons Road to SR 7.

8. The property owner shall convey to Palm Beach County within 90 days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Lyons Road and Clint Moore Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Lyons Road and Clint Moore Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.
9. This project shall be limited to attached multi-family dwelling units and the property owner shall pay the 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 \$562/approved dwelling unit.
10. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:
 - a) No building permits shall be issued after January 1, 1991 for this project, until Lyons Road has been constructed as a four-lane facility from New England Boulevard to Clint Moore Road. If all building permits are not obtained prior to this date, Palm Beach County will revisit this zoning approval for compliance with the Traffic Performance Standards for the project in its entirety. Action taken by Palm Beach County shall include but shall not be limited to rezoning of the remaining property from RS to **AR**, or additional conditions for major road improvements.

NOTE: This Condition is required because capacity on the surrounding roads cannot be assured for the project beyond January 1, 1991 as required in the Mandatory Traffic Performance Standards.

11. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the

issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

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

| | | |
|-------------------|----|--------|
| Carol A. Roberts | -- | Aye |
| Carol J. Elmquist | -- | Aye |
| Karen T. Marcus | -- | Absent |
| Dorothy Wilken | -- | Absent |
| Jim WATT | -- | Aye |

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of August 25, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

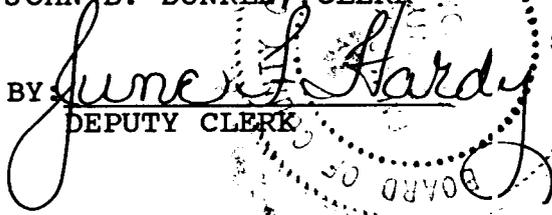
BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


DEPUTY CLERK