

RESOLUTION NO. R-89-1440

RESOLUTION APPROVING ZONING PETITION NO. 86-142(A)
SPECIAL EXCEPTION PETITION OF LANDVISION, INC.

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 have been satisfied; and

WHEREAS, Petition No. 86-142(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 1, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

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

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 86-142(A) the petition of LANDVISION, INC., by Glenn A. Marten, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED RESIDENTIAL DEVELOPMENT TO (1) REDESIGN THE SITE, AND (2) INCREASE THE LAND AREA (PETITION NO. 86-142) on a parcel of land lying in the West 129.72 feet of the East 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 1, Township 46 South, Range 42 East. Together with: The East 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4, less the West 129.72 feet thereof, and together with the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 1, Township 46 South, Range 42 East. Together with: The West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 1, Township 46 South, Range 42 East, less Right-of-way for Coconut Road. Together with: The Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 1, Township 46 South, Range 42 East. Together with the buildings and improvements located thereon. Together with: The East 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 1, Township 46 South, Range 42 East, and more particularly described as follows: commencing at the Southeast

corner of Southwest 1/4 of said Section 1; thence, run North 00 degrees 58' 03" East, along the East line of said Southwest 1/4, 1355.07 feet; thence, run North 86 degrees 58' 21" West, 1334.55 feet to the Point of Beginning; thence, run South 00 degrees 11' 15" West, 674.77 feet to a point; thence, run North 86 degrees 47' 35" West 330.80 feet to a point; thence, run North 00 degrees 11' 15" East, 673.73 feet to a point of the Southerly Right-of-Way line of Coconut Lane; thence, run South 86 degrees 58' 21" East along said Right-of-way line, 330.75 feet to the Point of Beginning and containing 5.11 acres, more or less, and subject to easements reserved by the Lake Worth Drainage District, being located on the south side of coconut Lane, approximately 280 feet east of Military Trail (SR 809), in a RS-Single Family Residential Zoning District, was approved on May 1, 1989, as advertised, subject to the following conditions:

1. Resolution No. R-87-1114A (Special Exception for a Planned Unit Development) is hereby repealed in its entirety.
2. Prior to Subdivision Review Committee, the master/site plan shall be amended to indicate the following:
 - a. All preservation areas: and,
 - b. Correct project acreage and density.
3. The developer shall preserve existing native vegetation including native understory on site and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable area, retention areas, right-of-way, and building pads. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to Subdivision Review Committee certification. These preservation areas shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code during the site development and construction phase.
4. The site shall be limited to 62 single family dwelling units.
5. Prior to Subdivision Review Committee, the petitioner shall submit to the Zoning Division documentation to confirm that the 1.67 acres of Lake Worth Drainage District L-30 Canal right-of-way is considered to be a part of the project acreage, if not density shall be reduced accordingly.
6. Prior to Subdivision Review Committee approval, the petitioner shall submit a revised vegetation protection application which includes an aerial photo having a maximum scale of 1"=50 feet or ground level photos of the site depicting vegetation. Photos shall be graphically keyed to aerial or site plan.

All native vegetation within common open space areas and the perimeters of individual lots shall be preserved and incorporated into the project design.

7. In order to insure that minimum recreation area needs are met, the development shall provide the equivalent

value of **.013** acres of land per dwelling unit for recreational uses and provide guarantee for all proposed recreational facilities in a form acceptable to the County Engineer at time of plat as required under Article **IX** of the Palm Beach County Subdivision and Platting Regulations Ordinance **73-4**.

- a. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
10. Prior to August **1, 1989** the property owner shall convey to Palm Beach County Land **Development Division** by road right-of-way warranty deed for Flavor Pict Road (Coconut Lane), **40** feet from centerline free of all encumbrances and encroachments. Property owner 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.
11. The petitioner 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 **\$804.00** per approved single family home under **2,000** square feet and **\$1,045.00** per approved single family home over **2,000** square feet.
12. Based on the previous commitment, the developer shall contribute the sum of **\$20,904.00** toward Palm Beach County's existing Roadway Improvement Program. These funds of **\$20,904.00** are to be paid prior to Master Plan approval. These funds shall be credited towards the traffic impact fees.
13. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
 - a) **No** more than **38** building permits shall be issued until Military Trail road construction has been **let** as a **4** lane section from Lake Ida Road to Steiner Road plus the appropriate paved tapers.
14. **No** plantings of trees shall be permitted within the Lake Worth Drainage District L-30 Canal Right-of-way and easement. This developer shall ensure compliance of this condition through proper deed restrictions.
15. Failure to comply with any conditions of approval 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.

Commissioner Marcus moved for adoption of the Resolution.

The motion was seconded by the Commissioner Howard and, upon being put to a vote, the vote was as follows:

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|--------------------------|----|-----|
| Carol J. Elmquist, Chair | -- | AYE |
| Karen T. Marcus | -- | AYE |
| Carol Roberts | -- | AYE |
| Ron Howard | -- | AYE |
| Carole Phillips | -- | AYE |

The Chair thereupon declared the resolution was duly passed and adopted this 1st day of August, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE

BY:


DEPUTY CLERK

