

RESOLUTION NO. R-90-59

RESOLUTION APPROVING ZONING PETITION NO. 74-63(B)
SPECIAL EXCEPTION PETITION OF THE ENGLE GROUP, 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. 74-63(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on [REDACTED]

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. 74-63(B), the petition of THE ENGLE GROUP, INC., by Marvin L. Sanders, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR LAKES OF SHERBROOKE PLANNED UNIT DEVELOPMENT TO 13 DELETE ACREAGE WHICH WILL 2] INCREASE THE DENSITY (PETITION 74-63) on a parcel of land lying on a portion of Block 33, Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45 through 54, in Sections 31 and 32, Township 44 South, Range 43 East, described as follows: Commencing at the intersection of the West line of Tract 84, said block 33, with a line that is 40.00 feet North of and parallel with the South line of said Section 31, said line being the North right-of-way line of Lantana Road (S.R. 812); thence South 87 Degrees 57' 25" East (true-bearing datum according the right-of-way map of Lantana West Road, Section No. 9353-151, dated January, 1953) along said 40.00 foot right-of-way line, 70.08 feet to a point which intersects said 40.00 foot right-of-way line with a line distant East, 70.00 feet by rectangular measurement from the said West line of Tract 84, said point being the Point of Beginning of this description; thence continue South 87 Degrees 57' 25" East along said 40.00 foot right-of-way line, 43.55 feet; thence South 88 Degrees 04' 24" East continuing along said 40.00 foot right-of-way line, 602.36 feet; thence North 01 Degree 55' 36" East, 20.00 feet to a permanent reference monument marking the

Southwesterly corner of Lakes of Sherbrooke Phase 6: thence North 45 Degrees 57 Degrees 48" East along the Westerly line of said Phase 6, a distance of 35.94 feet: thence North, along said West line, 212.43 feet to a permanent reference monument being a point of curvature: thence Northwesterly along said Westerly line being an arc of a curve concave to the Southwest having a radius of 300.00 feet, a central angle of 31 Degree 05 Degrees 30", an arc distance of 162.80 feet to the end of said Phase 6; thence continue Northwesterly along the arc of the same curve having a central angle of 41 Degrees 02' 51", an arc distance of 214.92 feet to a point of reverse curve, concave to the Northeast having a radius of 468.57 feet, a central angle of 44 Degrees 24' 07"; thence Northwesterly along the arc of said curve, a distance of 363.12 feet: thence departing said curve, North 68 Degrees 57' 12" West, 32.95 feet: thence South 69 Degrees 49' 49" West, 33.71 feet to a point of curvature; thence Southwesterly along the arc of a curve concave to the Northwest having a radius of 266.00 feet, a central angle of 19 Degrees 32' 05", a distance of 90.69 feet: thence South 89 Degrees 21' 55" West along the tangent of said curve, 25.00 feet: thence South 44 Degrees 21' 55" West, 35.36 feet to a point on said line, distant East, 70.00 feet from the West line of Tract 84: thence South 00 Degrees 38' 05" East along said line, 707.45 feet to the Point of Beginning, being located on the northeast corner of the intersection of Lantana Road (SR 812) and Lyons Road, in a RS-Single Family Residential Zoning District, was approved on July 27, 1989, as advertised, subject to the following conditions:

1. All previous conditions of approval shall apply unless expressly modified herein.
2. The Property owner shall convey to Palm Beach County, concurrent with Plat No. 9, or when requested by the County Engineer, whichever shall first occur, 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 both Lyons Road and Lantana Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along both Lyons Road and Lantana 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.
3. 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.
4. Within 90 days of approval of this project or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

- a. The expanded intersection at Lyons Road and Lantana Road, Lyons Road, 64 feet from centerline and Lantana Road, 71.5 feet from centerline.
5. 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 Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 2nd day of January, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Richard Altman*
COUNTY ATTORNEY

BY: *Jina M. Blair*
DEPUTY CLERK

