

RESOLUTION NO. R-79-1258

RESOLUTION APPROVING ZONING PETITION

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. 79-160 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 23 August 1979.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 23<sup>d</sup> day of August, 1979, that petition No. 79-160 the petition of HOVSONS OF FLORIDA, INC., by William R. Boose, III, Attorney, for THE FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT, INCLUDING EXCAVATION AND REMOVAL OF SOIL AND FILL MATERIAL on Tracts 1 to 61, inclusive, less Tract 45 in Block 45; and Tracts 1 to 54, inclusive, less Tract 39, in Block 46; Palm Beach Farms Company Plat No. 3, in Sections 17 and 18, Township 45 South, Range 42 East, as recorded in Plat Book 2, page 49, lying west of the west right-of-way line of L.W.D.D. Canal E-2-W. Said property located on the east side of State Road 7 and on the west side of Florida's Turnpike, being bounded on the North by L.W.D.D. Lateral Canal No. 20, was approved as advertised subject to the following conditions:

1. Petitioner shall convey to Palm Beach County one hundred eight (108) feet for the ultimate right-of-way for Lyons Road.

2. Petitioner shall construct Lyons Road to a two-lane section thru the project's limits, as approved by the County Engineer, when warranted, as determined by the County Engineer.
3. Petitioner shall abandon all existing Palm Beach Farms platted roads within the project's limits,
4. Petitioner shall construct on S.R. 7 at the project's entrance:
  - a. Right turn lane, south approach,
  - b. Left turn lane, north approach.
5. Petitioner shall construct on Lyons Road at the intersection of the main road and Lyons Road:
  - a. Left turn lane, north approach.
  - b. Left turn lane, south approach.
 when warranted, at such time that Lyons Road is a thru road as determined by the County Engineer,
6. Petitioner shall signalize the intersection of the main access road and S.R. 7, when warranted, as determined by the County Engineer.
7. Petitioner shall contribute Two Hundred Fifteen Thousand One Hundred Sixty-two Dollars and Fifty Cents (\$215,162.60) towards the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). The fee schedule for this project has been calculated in accordance with Ordinance No. 79-7 as follows:

Residential	\$245.63/Unit
Commercial - 1st Phase	\$1,006.00/1,000 Sq. Ft.
Commercial - 2nd Phase	\$1,250.00/1,000 Sq. Ft.

This condition shall fulfill the developer's requirement according to Ordinance No. 79-7 "Fair Share Contribution for Road Improvements" adopted by the Board of County Commissioners on June 19, 1979.

8. Petitioner shall convey to the Lake Worth Drainage District the North 45 feet of Tracts 1 to 15, inclusive, Block 45 and the North 45 feet of Tracts 2 to 11, Block 46 for Lateral Canal No. 20. No additional Right-of-way for Lateral Canal No. 21 is required. We will require the West 45 feet of Tracts 15, 16, 46 and 47, Block 45 for Equalizing Canal No. 1 (E-1). We will require a parcel of land in Tracts 2, 21, 24 and 53, Block 46. Said parcel is to be 35 feet in width lying immediately west of and adjacent to the existing West Right-of-Way line of Equalizing Canal No. 2-W (E-2W). The said existing West Right-of-way line is also known as the original West Right-of-way line of the Florida Turnpike. They will accept a Quit Claim Deed or an Easement, on our form, whichever the owner prefers.

9. Petitioner shall enter into a formal contract with the School Board of Palm Beach County to contribute four-tenths (4/10) of one percent (1%) of the selling price of each residential dwelling unit in this planned unit development on a one time initial sales basis. However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above 4/10ths of 1% of the initial sales price toward alleviating some of the development's school impact.
10. A surface and sub-surface water management system to control the highwater table should be included in the residential development plan.
11. Muck areas should be excavated and backfilled with a sandy material.
12. Every effort should be made to save the trees, such as slash pines.
13. All property, as shown on the Master Plan for civic use, shall be dedicated to Palm Beach County at no cost to the County. The Zoning Commission recognizes that the land area shown on the Master Plan submitted equals less than two (2%) percent of the area of the planned unit development and has no objection to the donation of development funds to offset the deficiency.

Commissioner Foster, moved for approval of the petition.

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

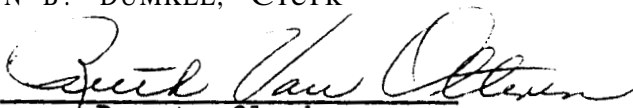
Bill Bailey, Chairman	-	Yes
Dennis Koehler, Vice Chairman	-	Yes
Peggy Evatt, Member	-	Yes
Frank Foster, Member	-	Yes
Norman Gregory, Member	-	No

The foregoing resolution was declared duly passed and adopted  
this 18th day of September, 1979, confirming action of  
23 August 1979.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUMKLE, Clerk

By:

  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

  
County Attorney

