

RESOLUTION NO. R- 84-1178

RESOLUTION APPROVING ZONING PETITION 84-61, Special Exception

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. 84-61 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th of April 1984; 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, the Board of County Commissioners made the following findings of fact:

1. Provided that Lantana Road is constructed as required by Ordinance 81-6, this proposal would meet the requirements of the Comprehensive Plan.
2. Provided that this development is physically integrated with Lee's Crossing PUD and Lee's Square Shopping Center, this development would satisfy the intent and requirements of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 26th day of April 1984, petition of NEALHAR, INC., By Russell C. Scott, Agent, for THE SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the East 100 feet of Section 34, Township 44 South, Range 42 East; Less the South 40 feet thereof; the West 1/2 of Section 35, Township 44 South, Range 42 East, less the East 1159.59 feet, and less the South 370 feet thereof; and the West 900 feet of the North 330 feet of the South 370 feet of Section 35, Township 44 South, Range 42 East. Said property located on the north side of Lantana West Road (S.R.812) and being bounded on the north by Lake Worth Drainage District Canal No. 14, approximately 1.3 miles west of

Military Trail (S.R.809) was approved as advertised subject to the following conditions:

1. The development shall retain **onsite** 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
2. The Property Owner shall convey for the ultimate right-of-way Lantana Road fifty four feet (54') north of centerline, approximately an additional fourteen feet (14') within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of the first building permit.
3. The Developer shall provide the construction plans for Lantana Road as a four-lane median divided section with curbed median from the terminus of Palm Beach County's four-lane construction program (approximately 400' west of the intersection of Lantana Road and Congress Avenue) to a point 400' west of the intersection of Lantana Road and Military Trail per the County Engineer's approval.
4. The Developer shall construct Lantana Road as a four-lane median divided section as referenced above. Said construction shall be commenced prior to the issuance of the building permit for the 126th dwelling unit, and no later than two years from the date of project approval.

The cost of acquiring the right-of-way for said improvements shall be borne by either Palm Beach County. The condemnation and acquisition shall be carried out by Palm Beach County through standard procedures. This roadway construction shall be accepted in lieu of the Fair Share Traffic impact fee; however, prior to the letting of the contract for said construction, surety must be posted with the County, in an amount equivalent to \$200 per unit constructed prior to the letting of the contract, at the time of issuance of building permits.

5. The Developer shall provide at the entrance road and Lantana Road, when entrance road is constructed:
 - a. 2 lanes, north approach.
 - b. Left turn lane, west approach.
 - c. Right turn lane, east approach.
 - d. Signalization as determined by the County Engineer.
6. The Developer shall provide at the intersection of Jog Road and Lantana Road prior to the 126th building permit, but in no case later than two (2) years from the approval date:
 - a. Left turn lanes, all approaches (where not already constructed).
 - b. Right turn lanes, north, east, and west approaches.
7. The developer shall redesign the main roadway serving project to a loop or cul-de-sac at the north end.
8. The developer shall provide left turn lanes at major intersections within the project as required by County Engineer.
9. Reasonable precautions shall be exercised during site development to insure that unconfined **particulates** (dust particles) from this property do not become a nuisance to neighboring properties.
10. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

11. Prior to master plan certification, the developer shall amend the proposed master plan to reflect the following:
 - a) A cul-de-sac or loop at the end of the development's main collector road.
 - b) A connector-section roadway connecting this development with Lee's Square Shopping Center intersecting with the development's central connector road at a point at least 660 feet north of Lantana Road.
 - c) Consolidation of the Lee's Crossing PUD Civic Site and the Civic Site of this development along with additional recreation area to create a minimum of 13 acres to be developed as a recreation area for dedication to Palm Beach County and to create a separate 2 acre day care center site.
 - d) The required 25' buffer area around this entire development, except at the contiguity of civic and recreation sites, unless waived by the Site Plan Review Committee.

12. The developer shall construct the connector between this development and Lee's Square Shopping Center prior to the issuance of the building permit for the 600th dwelling unit.

13. The Petitioner shall convey to the Palm Beach County School Board such prerty as described in Condition 11 (c) to comprise a 15 acre elementary school site. In addition:
 - a) Title to the school site, and a survey showing and describing the meets and bounds of the school site shall be delivered to the School Board within 90 days after Board of County Commissioner approval.
 - b) Petitioner shall be responsible for the school site to be at final grade elevation prior to School Board construction.
 - c) Petitioner shall provide both primary and secondary access to the site from adjacent roadways. (Curb cuts, and proper left and right turning lanes in accordance to County Engineer guidelines).
 - d) Utilities (sewer and water) shall be brought to the site property line.
 - e) Petitioner shall be responsible for an approved PUD surface water retention area design to **accomodate** the 15 acre elementary school site drainage. This retention area will be located within the PUD and not on the school site acreage.
 - f) Pedestrian signalization to and from the school site shall be installed by the petitioner when warranted by both School Board and County Engineering.

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

Ken Spillias, Chairman	-- AYE
Dorothy Wilkens, Vice Chairman	-- NAY
Peggy Evatt, Member	- - AYE
Dennis P. Koehler, Member	-- ABSENT
Bill Bailey, Member	-- AYE

The foregoing resolution was declared duly passed and adopted

this

AUG 21 1984

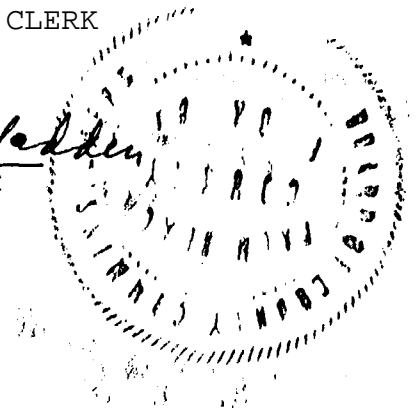
, confirming action of 27th of April 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Trudy Madden
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Charles H. Hirsch
County Attorney