

RESOLUTION NO. R-84-1940

RESOLUTION APPROVING ZONING PETITION 77-105(A), 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. 77-105(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 30th July 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. This proposal is consistent with the requirements of the Comprehensive Plan and the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 30th day July, 1984, that Petition No. 77-105(A) the petition of JOHN LOGAN LIVERS By Kevin McGinley, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED RESIDENTIAL DEVELOPMENT on the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 36, Township 43 South, Range 42 East. Said property located on the east side of Haverhill Road, approximately .4 miles south of Belvedere Road was approved as amended subject to the following conditions:

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
2. This development shall retain onsite the first one inch of stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.

3. The property owner shall convey for the ultimate right of way of Haverhill Road, 54 feet from centerline approximately an additional 14 feet within 90 days of adoption of the resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first building permit.

4. The developer shall pay a fair share fee in the amount and manner required by the Fair Share Contribution for Road Improvement Ordinance as it presently exists or as it may from time to time be amended.

Presently the fair share fee for this project is \$208 per approved dwelling unit. In addition, based on the amount of traffic generated by this development, the developer has agreed to contribute an additional \$500 per dwelling unit towards Palm Beach County's existing Roadway Improvement Program to be paid within 18 months of approval by the Board of County Commissioners, or prior to the issuance of a building permit whichever shall first occur.

If the Fair Share Contributions for Road Improvements Ordinance is amended to increase the fair share fee, this additional amount shall be credited towards the increased fair share fee.

5. 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.

6. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface Waters.

7. Petitioner shall convey to Lake Worth Drainage District an Easement over the South 25 feet of the subject parcel for Lateral Canal No.4 right-of-way.

8. The developer shall notify all potential purchasers of the location of this site in the airport flight path.

Commissioner Bailey , moved for approval of the petition.

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

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

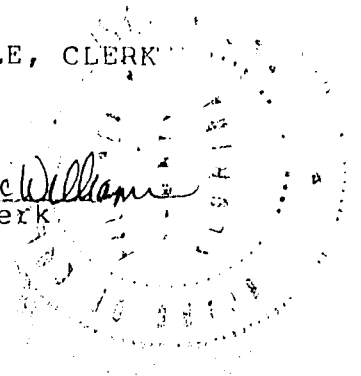
The foregoing resolution was declared duly passed and adopted this day of DEC, 11 1984, confirming action of 30th July 1984.

IN THE COUNTY OF PALM BEACH COUNTY,
FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Donna McWilliams
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Synge
County Attorney