

RESOLUTION NO. R-85-578

RESOLUTION APPROVING ZONING PETITION 84-178, 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. 84-178 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th January 1985; 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. The proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. Petitioner has voluntarily agreed to provide to the School of Palm Beach County \$250.00 per dwelling unit, total PUD dwelling unit count of 94 units, for a total of \$23,500.00. These funds shall be used by the School Board of Palm Beach County for school site acquisition and/or site related improvements, to alleviate schools servicing the area of the subject PUD. Payment of funds shall be made in full to the School Board of Palm Beach County at time of issuance of the first residential building permit within the PUD.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 4th of January 1985, that Petition No. 84-178 the petition of JAMES V. AND CAROL H. REDD By James V. Redd, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the West 1/2 of Northeast 1/4 of Northwest 1/4 of Northwest 1/4; and East 1/2 of East 1/2 of Northwest 1/4 of Northwest 1/4 of Northwest 1/4; North 220 feet of West 1/2 of Southeast 1/4 of Northwest 1/4 of Northwest

1/4; North 220 feet of East 1/2 of East 1/2 of Southwest 1/4 of Northwest 1/4 of Northwest 1/4 of Section 26, Township 46 South, Range 42 East, consisting of approximately 10 acres, lying and being in Palm Beach County, Florida. And:

East 1/4 of Southwest 1/4 of Northwest 1/4 of Northwest 1/4 except the North 220 feet thereof and West 1/2 of Southeast 1/4 of Northwest 1/4 of Northwest 1/4 except the North 220 feet thereof, and West 1/2 of East 1/2 of Southwest 1/4 of Northwest 1/4, Section 26, Township 46 South, Range 42 East.

Also the North 20 feet of the East 10 feet of the East 1/2 of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 26, Township 46 South, Range 42 East. And:

The West 1/2 of the East 1/2 of the West 1/2 of the Southwest 1/4 of Section 26, Township 46 South, Range 42 East, Palm Beach County, Florida, less the North 70.00 feet thereof and less the South 1943.83 thereof, as measured at right angles. Said property located on the south side of Linton Boulevard (S.W. 12th Street), approximately .8 mile west of Military Trail (S.R.809) was approved as advertised 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. 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.

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

4. Within sixty (60) days of approval by the Board of County Commissioners, the developer shall convey to the Lake Worth Drainage District the South 20 feet of the W1/2 of the E1/2 of the SW1/4 of the NW1/4 of Section 26-46/42 South and the North 70 feet of the W1/2 of the E1/2 of the W1/2 of the SW1/4 of said Section 26 all for the required right-of-way for Lateral Canal No. 37, by quit claim deed or an easement deed in the form provided by said district.

5. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.

6. The developer shall construct, concurrent with the construction of the project's entrance road on Linton Boulevard, a Left Turn Lane, East approach and a Right Turn Lane, West approach. In conjunction with the construction of these turn lanes (Linton Boulevard) the developer shall construct an eight foot bike path along the north side of Linton Boulevard to serve the future residents of this and

surrounding developments. If the bike path already exists, this developer shall contribute an equivalent amount based upon a certified cost estimate by the developer's engineer to the Palm Beach County bike path program.

7. The Developer 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. Presently The Fair Share Fee for this project is \$27,250.00.

8. The property owner shall provide Palm Beach County with a road drainage easement and sufficient retention area through this project's internal lake system to legal positive outfall for the road drainage for Linton Boulevard. The drainage easement shall be subject to all governmental agency requirements.

9. All interior access roads shall be platted as public rights-of-way.

10. The property owner shall dedicate a fifty (50) foot road right-of-way running in an east-west direction south of the Lake Worth Drainage District Canal No. 37, within 90 days off the special exception approval.

11. Reference shall be made in all appropriate condominium and homeowner's documents to the "Florida Right to Farm Act.", Chapter 823.14 F.S.

12. The seller shall notify all potential purchasers that the site is surrounded by active agricultural uses.

13. The developer shall contribute his prorata share to replace the blinking signal at the intersection of Linton Boulevard and Jog/Carter Road with a permanent signal. This installation shall proceed as soon as possible in conjunction with the previous commitments made by Petition 80-215(A).

14. The petitioner shall provide a 50' publicly dedicated access as shown on the master plan for the future needs of the five acre tract located at the Southwest corner of the project, immediately North of the Canal.

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

Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Kenneth M. Adams, Member	--	AYE
Karen T. Marcus, Member	--	AYE
Jerry L. Owens, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 9th day of April confirming action of the 4th January 1985.

PALM REACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Oly
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney