

RESOLUTION NO. R- 86-124

RESOLUTION APPROVING ZONING PETITION 85-136, 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. 85-136 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th October 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. The School Board of Palm Beach County has demonstrated that the schools serving Petition 85-136, Landmark Apartments are operating at or above capacity and that plans exist for additional facilities to alleviate overcrowding and to house additional students generated by new residential growth. The petitioner has agreed to participate in the School Board's Site Acquisition of sites, and/or the construction of facilities serving subject petition.
3. Payment in full shall be due the School Board of Palm Beach County within 180 days of the date of the resolution approving the subject P.U.D.
4. Petitioner shall enter into a formal agreement with the School Board to assure timely payment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 30th of October 1985, that Petition No. 85-136 the petition of FELIX GRANADOS, SR., By Richard Ellington, Esquire, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on all that

part of the following described property which lies South of the Southerly Right-of-way line of Westgate Avenue as shown in Road Plat Book 2, Page 205:

The Southeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, and the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East. Said property located on the southeast corner of the intersection of Westgate Avenue and Quail Drive 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. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year 24 hour storm per requirements of the Permit Section, Land Development Division.
5. Prior to site plan certification the petitioner shall submit a conceptual master plan for master plan certification.
6. The property owner shall convey for the ultimate right of way of:
 - a) Quail Drive 30 feet from centerline,
 - b) a 50 foot drainage easement along the east property line, any use of this 50 foot easement will require approval by the County Attorney and County Engineer.

All 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.

7. The property owner shall construct:
 - a) left turn lane, east approach and right turn lane, west approach on Westgate Avenue at the project's entrance road,
 - b) Quail Drive as a 3 lane section from Westgate Avenue to the project's entrance road plus the appropriate paved tapers,
 - c) left turn lane, north approach on Indian Road at Westgate Avenue, and
 - d) right turn lane, west approach on Westgate Avenue at Quail Drive.

8. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of Westgate Avenue and Quail Drive along the property frontage and for a minimum 400 foot distance each side of the property boundary lines along Westgate Avenue. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements.

9. 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. The Fair Share Fee for this project presently is \$562.00 per unit.

10. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

11. No building permits shall be issued for this project until Palm Beach County has let the contract(s) for improvements on the E 3-1/2 stub canal. No certificate of occupancy shall be issued for this project until such improvements are completed.

Commissioner Owens, 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 Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	NAY

The foregoing resolution was declared duly passed and adopted this day of FEB 11 1986 confirming action of the 30th October 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney