

## RESOLUTION APPROVING ZONING PETITION 82-130(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. 82-130(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2nd December 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. With a reduction in density, and site plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 2nd of December 1985, that Petition No. 82-130(A) the petition of THOMAS F., PATRICIA C. GUSTAFSON AND PATRICIA C. GUSTAFSON II AND MONTY KLEMONS By Alan J. Ciklin, Attorney, for SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A PLANNED RESIDENTIAL DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 82-130, BY ADDING 8.22 ACRES AND TO INCLUDE A CHILD DAY CARE CENTER on the West 1/2 of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 18, Township 45 South, Range 43 East; and the East five acres of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 45 South, Range 43 East; and a parcel of land lying in Section 18, Township 45 South, Range 43 East

being 75 feet in width measured Easterly and Westerly and 663.09 feet, more or less measured Northerly and Southerly lying Westerly of and contiguous to the Westerly line of the East five acres of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 18, and

The South 264 feet of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 less the West 240.00 feet thereof, and the South 264 feet of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4, all in Section 18, Township 45 South, Range 43 East.

Said property located approximately 200 feet East of Lawrence Road and being bounded on the south by Lake Worth Drainage District Lateral Canal No. 22 was approved as advertised subject to the following conditions:

1. Prior to site plan certification the master plan shall be amended to reflect the following:

a) Designation of the existing structure to be removed, or the day care center and recreation area tract shall be incorporated into a single tract, or variance relief shall have been granted by the Board of Adjustment for side interior yard encroachments.

b) Delineation of wooded areas within the proposed townhouse tract.

c) Indicate the number of units per proposed residential tract, and reference the proposed housing type to the applicable housing category pursuant to Code Section 402.7.B.3.d.2.) a,b, or c.

2. 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.

3. 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.

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

5. The property owner shall construct:

- a) Left turn lane north approach,
- b) Right turn lane south approach,
- c) Left turn lane east approach,

All concurrent with the construction of the projects entrance road onto Lawrence Road.

6. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute \$21,105.00 toward Palm Beach County's existing Roadway Improvement Program, this \$21,135.00 to be paid within ninety (90) days of approval.

7. The property owner shall plat the subject property per the County Engineer's Approval.

8. Condition Nos. 5, 6, and 7 of original Conditions of Approval for Petition No. 82-130 (Resolution No. R-83-198) are hereby deleted.

9. The property owner shall convey a minimum of 60 feet for use as a right-of-way either to the public or as a private right-of-way from the project's east entrance east to Lawrence Road. This right-of-way shall be recorded prior to the Certification of the Master Plan.

10. The property owner shall install signalization, if warranted as determined by the County Engineer, at the project's entrance road onto Lawrence Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

11. Density for this Planned Residential Development shall be limited to 6.85 dwelling units per acre.

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

13. The property owner shall not be permitted access onto Aladain Avenue.

14. Landscaping shall be installed as shown on the site plan in the public hearings. An exact copy of that site plan shall be submitted to the Zoning Division for inclusion in the permanent file.

15. Exact copies of all graphics presented at the Planning Commission and Board of County Commissioners public hearings shall be submitted to the Zoning Division for inclusion in the permanent file, prior to site plan certification.

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

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

The foregoing resolution was declared duly passed and adopted this 25th day of February, 1986 confirming action of the 2nd December 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia J. Weaver  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Andy Sprague  
County Attorney