

RESOLUTION NO. R-87-237

RESOLUTION RPPROVING ZONING PETITION 86-108, 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. 86-108 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 25, 1986 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 required master plan modification, 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 10th day of February, 1987, that: Petition No. 86-108, the petition of AL J. CONE, TRUSTEE, By David L. Carpenter, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED RESIDENTIAL DEVELOPMENT on tracts (47) and (48) Block (7), and that portion of Tract 38, Block 7, Palm Beach Farms Company, Plat 3, lying South of the West Palm Beach Canal, consisting of approximately .83 acres, Palm Beach Farms Company's Plat No. 3, in Section 5, Township 44

South, Range 42 East, as recorded in Plat Book 2, Pages 45 to 54. Less, however, reservation in favor of Everglades Drainage District and its successors or assigns, for right-of-way, and easement covering that portion of Tracts 47 and 48, Block 7, lying within a distance of 130 feet from the center line of the West Palm Beach Canal, and Less also public road easement in favor of Palm Beach County consisting of the South 18 feet of Tract 16, Block 11, and the North 18 feet of Tract 17, Block 11. Said property located on the northwest corner of the intersection of Benoist Farms Road and Mamogany Lane (1st Court South) was approved as advertised subject to the following conditionsr

1. Prior to master plan certification, the master plan shall be amended to reflect the followingr
 - a. delete the note which states "existing vegetation to remain on lots per individual lot owner discretion"
 - b. indicate the actual number (888) of required trees
 - c. indicate width of proposed "landscape buffer".
2. Since water service is available to the property, use of a well shall be limited to a source of non-potable water for irrigation purposes only.
3. Complete septic tank application for subdivision analysis shall be filed with the Health Department prior to Subdivision Committee review process.
4. This development shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of permit application, but as a minimum, the development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
5. The property owner shall convey for the ultimate right-of-way of Benoist Farms Road, a total of 80 feet of right-of-way on an alignment approved by the County Engineer within 90 days of the approval of the Resolution approving this project.
6. The property shall provide to Palm Beach County a road drainage easement within the project's internal lake system capable of accommodating all runoff from the segment of Benoist Farms Road along the property frontage which is adjacent to this property and for a maximum 400 ft. distance each side of the property boundary lines along Benoist Farms Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management

District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff.

- 7. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$8,241.00 toward Palm Beach County's existing Roadway Improvement Program. The total funds of \$41,205.00 (\$8,241 + impact fee of 932,964) are to be paid prior to the issuance of the first building permit or prior to February 1, 1987 whichever shall first occur.
- 8. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$8,241.00 shall be credited toward the increased Fair Share Fee.

Commissioner Spillias, 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:

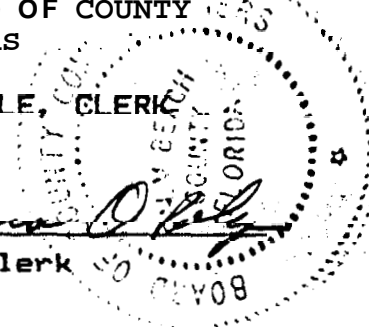
Karen T. Marcus	--	AYE
Jerry L. Owens	--	ABSENT
Ken Spillias	--	AYE
Dorothy Wilken	--	AYE
Kenneth M. Rdams	--	AYE

The foregoing resolution was declared duly passed and adopted this 10th day of February, 1987 confirming action of September 25, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN R. DUNKLE, CLERK

BY: *Barbara O. Kelly*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney