

RESOLUTION NO. R-87-1117-A

RESOLUTION APPROVING ZONING PETITION 87-15: 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. 87-15 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 26, 1987 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session that Petition No. 87-15, the petition of LUCILLE HOLLINGSWORTH AND ANGELO J. AND MARIE G. BARILE, by David Carpenter, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on Exhibit "A": A parcel of land in the North 1/2 of the Northeast 1/4 of Section 25, Township 42 South, Range 42 East, being more particularly described as follows: The East 138.0 feet of the West 1060.0 feet, less the North 686.0 feet thereof, of said North 1/2 of the Northeast 1/4. Distances as measured on the West and North lines of said North 1/2 of the Northeast 1/4. Subject to an easement for drainage and road purposes over and across the

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South 30 feet thereof. Parcel of land in the North 1/2 of the Northeast 1/4 of Section 25, Township 42 South, Range 42 East, described as follows: Parcel 1: Commencing at the Northeast corner of Section 25 and run South along the East line of said Section 686 feet to a point; thence West parallel to North line of said Section 1890.48 feet to the point of beginning, thence South at right angles to last described course 636 feet more or less to the South line of the North 1/2 of the Northeast 1/4 of Section 25; thence West along said South line 138 feet more or less to a point; thence North parallel to West line of Northeast 1/4, Section 25 a distance of 636 feet more or less to a point in a line parallel to and 686 feet South of (measured along East line of said section) the North line of Section 25; thence East along said parallel line 138 feet more or less to point of beginning. Parcel 2: Commencing at the Northeast corner of Section 25 and run South along the East line of said Section 686 feet to a point; thence West parallel to the North line of said Section 2028.48 feet to the point of beginning; thence South at right angles to last described course 636 feet more or less to the South line of the North 1/2 of the Northeast 1/4 of Section 25; thence West along said South line 138 feet more or less to a point; thence North parallel to West line of Northeast 1/4 Section 25 a distance of 636 feet more or less to a point in a line parallel to and 686 feet South of (measured along East line of said section) the North line of Section 25; thence East along said parallel line 138 feet more or less to point of beginning. Parcel 3: Commencing at the Northeast corner of Section 25 and run South along the East line of said Section 686 feet to a point; thence West parallel to the North line of said Section 1698.48 feet to the point of beginning; thence South at right angles to the last described course 636 feet more or less to the South line of the North 1/2 of the Northeast 1/4, Section 25, thence West along said South line 192 feet more or less to a point; thence North parallel to the West line of the Northeast 1/4, a distance of 636 feet more or less, to a point in a line parallel to and 686 feet South of (measured along East line of said Section) the North line of

Section 25; thence East along said parallel line 192 feet more or less to the point of beginning. Less and except Right-of-way of Leo Lane recorded in Official Record Book 2187, Page 1361, dated July 7, 1972 and recorded on July 17, 1973. The property is located on the south side of Leo Lane approximately 400 feet east of Military Trail (SR 809) and was approved as advertised subject to the following conditions:

1. All property included in the legal description of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for : Formation of a single "master" property owner's association, and automatic membership in the "master" association by any party holding title to any portion of the property included in the P.U.D.
2. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However at a minimum, this development shall retain onsite the first one (1) 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.
3. The property owner shall construct Leo Lane to local street fifty (50) foot right-of-way standards: minimum two to ten (2-10) foot travel lanes from the project's easternmost property line to Military Trail concurrent with onsite paving and drainage improvements.
4. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system capable of accommodating all runoff from those segments of Leo Lane being constructed by the developer. 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.
5. 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 \$35,376.00 (440 trips X \$80.40 per trip).
6. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$8,844.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$44,220.00 are to be paid prior to the issuance of the first building permit, concurrent with the letting of the contract for the four (4) laning of Military Trail from Blue Heron Boulevard to Northlake Boulevard whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$8,844.00 shall be credited toward the increased Fair Share Fee.

- 7. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.
- 8. Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the property.
- 9 b Petitioner shall design drainage system to limit the post development runoff to be equal to or less than the pre-development runoff from this site.
- 10. There shall be no building permits until the contract has been let for Military Trail from Blue Heron Boulevard to Northlake Boulevard.

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

Carol A. Roberts	-- Aye
Karen T. Marcus	-- Absent
Oorothy Wilken	-- Absent
Kenneth M. Adams	-- Aye
Carol J. Elmquist	-- Aye

The foregoing resolution was declared duly passed and adopted this 28th day of July, 1987 confirming action of March 26, 1987.


PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Kathryn S. Miller
 Deputy Clerk



APPROVED AS TO FORM
 AND LEGAL SUFFICIENCY



 County Attorney