

RESOLUTION NO. R- 89-447

RESOLUTION APPROVING ZONING PETITION NO. 72-51(B)
SPECIAL EXCEPTION PETITION OF EASTLAND DEVELOPMENT CORPORATION

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. 72-51(B), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 28, 1988; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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, that Petition No. 72-51(B), the petition of EASTLAND DEVELOPMENT CORPORATION, by Granvil Tracy, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR COUNTRY CLUB TRAILS PLANNED UNIT DEVELOPMENT TO CHANGE THE HOUSING CATEGORY ON THE EASTERN PORTION OF BENT TREE FROM CATEGORY BE TO CATEGORY C on a parcel of land lying in Tract 1-E through 14-E, inclusive together with Tract R-2 and Tract "B" as shown on the Replat of Bent Tree Gardens in Section 24 and 25, Township 45 South, Range 42 East, as recorded in Plat Book 40, Pages 71 through 73, located on the west side of Lawrence Road, approximately 250.00 feet north of Boynton Beach Boulevard (S.R. 804), in an AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all conditions of previous approvals, unless expressly modified herein.
2. The 280 Category C units within the eastern portion of Bent Tree in Country Club Trails Planned Development

shall be limited to three-stories in height.

3. 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 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.
4. The property owner shall convey for the ultimate right-of-way for a "Safe Corner" at the intersection of Old Boynton Road and Lawrence Road within 90 days of the approval of the Resolution approving this project.
5. The property owner shall construct:
 - a) left turn lane, south approach and a right turn lane, north approach on Lawrence Road at the project's entrance road;
 - b) left turn lane, west approach;
 - c) separate right turn lane, south approach on Lawrence Road at Old Boynton Road including curb and gutter if required by the County Engineer on both the east and west side of pavement on Lawrence Road: and

All concurrent with onsite paving and drainage improvements.

6. 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 approved multi family dwelling unit.
7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code, Violations of the conditions herein

shall constitute violations of the Palm Beach County Zoning Code.

10. Simultaneously with application submittal of the master plan and/or the site plan, the petitioner shall submit all graphics presented at the Planning Commission public hearing on April 6, 1988 to the Zoning Division for inclusion into the official petition file.

Commissioner Adams 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:

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

The foregoing resolution was declared duly passed and adopted this 14th day of March, 1989 confirming action of April 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY :

Susan Pulat
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :

Jina M. Blaw
DEPUTY CLERK

