

RESOLUTION NO. R-89-616

RESOLUTION APPROVING ZONING PETITION NO. 87-148
SPECIAL EXCEPTION PETITION OF NORMAN L. AND ELIZABETH S. TUTEN

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. 87-148 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 6, 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. 87-148 the petition of NORMAN L. AND ELIZABETH S. TUTEN, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED RESIDENTIAL DEVELOPMENT, on a parcel of land lying on the West 1/2 of Tract 7, Block 5, PALM BEACH FARMS COMPANY PLAT NO. 3, in Section 34, Township 43 South, Range 42 East, as recorded in Plat Book 2, Pages 45 -54, inclusive; SUBJECT TO easements reservations, restrictions and rights-of-way of record, located on the south side of Belvedere Road, (Tenth Street North), approximately .3 mile west of 65th Avenue North, in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall create an access easement of

sufficient width, approved by the Engineering Department, to allow the use of the central, culverted driveway for access into the two (2) adjacent lots.

2. The developer shall meet the stormwater retention requirements in effect at the time of the permit application for the applicable drainage district. 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.
3. The property owner shall construct to County standards paved access to the lots from Belvedere Road to the project's north boundary line concurrent with onsite paving and drainage improvements.
4. 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 \$804.00 per single family home under 2,000 square feet and \$1,045.00 per single family home over 2,000 square feet.
5. In addition the petitioner shall contribute the amount of \$314.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$314.00 shall be paid prior to the issuance of the first Building Permit.
6. This planned residential development shall be limited to a total of 3 lots. Subdivision of the lots are subject to compliance with the Subdivision and Platting Ordinance, 73-4 as amended.
7. The petitioner shall convey to the Lake Worth Drainage District the North 26.39 feet of Tract 7 and the south 28.61 feet of the North 55 feet of the west half of Tract 7 Block 5, Palm Beach Farms, Plat 3 and the north 26.39 feet of the west half of Tract 7 for the required right-of-way for Lateral Canal No. 3, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project.

Commissioner Elmquist 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	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Absent

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 6, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

