

RESOLUTION NO. R- 89-1039

RESOLUTION APPROVING ZONING PETITION NO. 85-149(A)
SPECIAL EXCEPTION PETITION OF FLORIBERTO LAGUNA

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, 85-149(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 23, 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. 85-149(A) the petition of FLORIBERTO LAGUNA, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR LITTLE RIVER GLEN PLANNED UNIT DEVELOPMENT (PETITION NO. 85-149) TO CHANGE THE HOUSING CATEGORY FROM CATEGORY A TO CATEGORY A AND B, AND TO REDESIGN THE SITE, on a parcel of land commencing at a point in the West line of Section 12, Township 45 South, Range 42 East, 904.25 feet North of the Southwest corner of Section 12; thence go in an Easterly direction at an angle of 90 degrees, a distance of approximately 653.00 feet, to a point; thence in a Southerly direction that intersects to a point on the South line of said Section 12, which is a distance of 653.16 feet East of the Southwest corner of said Section 12, to a point; thence Westerly along the South line of said Section, to the Point of Beginning. Said description being the South 904 feet to the premises that were conveyed by Flor-Eyan, Inc. to Nelson A. Morton and Helen I. Morton, his wife, by deed dated June 27, 1963 in Official Record Book 911, Page 13. Less the West 40 feet thereof for Haverhill Road Right-of-way and less the South 35 feet thereof for Lake Worth Drainage District No. 20 Canal Right-of-way, being located

on the east side of Haverhill Road, approximately .8 mile south of Hypoluxo Road, in a RS-Single Family Residential Zoning District, was approved on September 23, 1988 as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval, unless expressly modified herein.
2. Prior to certification, the site plan shall be amended to indicate the following:
 - a) Required .67 acres of recreation or reference to provisions of the recreation regulations as provided in the Subdivision Ordinance, Article IX, Section VIII.B.2; and,
 - b) Open space calculations in accordance with Section 500.21.J. of the Zoning Code. The master plan shall clearly identify a minimum of 4.3 acres of bona fide open space.
3. All native vegetation within the common open space areas and buffers shall be preserved and incorporated into the project design.
4. All prohibited species located onsite shall be removed prior to the issuance of any building permits.
5. The petitioner shall provide the equivalent value of .013 acres of land per dwelling unit for recreational uses and provide guarantee for all proposed recreational facilities in a form acceptable to the County Engineer at time of plat as required under Article IX of the Palm Beach County Subdivision and Platting Regulations Ordinance 73-4.
6. The developer shall install a combination of a berm and a hedge, to reach a height of six (6) feet within one (1) year, supplemented with canopy trees spaced thirty (30) feet on center, within the required twenty-five (25) foot buffer.
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. Condition No. 9 of Zoning Petition 85-149 (Resolution No. R-86-132) which presently states:
 - "9. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$23,055.00 plus the impact fee of \$33,125.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$56,180.00) to be paid prior to October 1, 1986

or prior to the issuance of a Building Permit 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 \$23,055.00 shall be credited toward the increased Fair Share Fee."

Is hereby amended to read as follows:

"Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$23,055.00 plus the impact fee of \$33,125.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$56,180.00) to be paid prior to December 1, 1988 or prior to certification of the Master Plan 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 \$23,055.00 shall be credited toward the increased Fair Share Fee."

10. The Lake Worth Drainage District will require a Quit Claim Deed for the south 35 feet of the east 613.16 feet of the west 653.16 feet of Section 12, Township 45 South, Range 42 East for the right-of-way for Lateral Canal No. 20.
11. 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.

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

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|-------------------|----|--------|
| Carol A. Roberts | -- | Absent |
| Carol J. Elmquist | -- | Aye |
| Karen T. Marcus | -- | Aye |
| Dorothy Wilken | -- | Aye |
| James Watt | -- | Aye |

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of September 23, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK

