

RESOLUTION NO. **R-89- 1310**

RESOLUTION APPROVING ZONING PETITION NO. **88-120**
SPECIAL EXCEPTION PETITION OF TECHNOLOGY PARK ASSOCIATES **LTD.**

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 have been satisfied; and

WHEREAS, Petition No. **88-120** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March **30, 1989**; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, **402.5** of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. **88-120** the petition of TECHNOLOGY PARK ASSOCIATES **LTD.**, by Robert A. Bentz, Agent, for a SPECIAL EXCEPTION FOR A PLANNED RESIDENTIAL DEVELOPMENT on a parcel of land lying in Tract **2**, Block **4**, Palm Beach Farms Company Plat No. **3**, according to the Plat thereof, as recorded in Plat Book **2**, Pages **45** through **54**, inclusive, located in Section **28**, Township **43** South, Range **42** East. Said parcel of land being more particularly described as follows:

Commencing at the Southwest corner of Said Tract **2**; thence North **89** degrees **03' 43"** East, along the South line of said Tract **2**, a distance of **8.00** feet for a Point of Beginning; thence, North **00** degrees **56' 17"** West, along a line **8.00** feet East of, as measured at right angles to, the West line of said Tract **2**, a distance of **175.00** feet; thence North **89** degrees **03' 43"** East, along a line **175.00** feet North of, as measured at right angles to the South

line of said Tract 2, a distance of 1163.87 feet; thence South 01 degree 01' 28" East, a distance of 150.00 feet; thence South 89 degrees 03' 43" West along a line 25.00 feet North of, as measured at right angles to the South line of said Tract 2, a distance of 1132.08 feet to the point of Curvature of a Curve to the right, having a radius of 25.00 feet; thence, Northwesterly along said curve, through a Central angle of 89 degrees 59' 27", a distance of 39.27 feet to the end of said curve; thence South 00 degrees 56' 50" West, along a line 15.00 feet East of, as measured at right angles to, the West line of said Tract 2, a distance of 50.00 feet to the intersection thereof with the South line of said Tract 2; thence South 89 degrees 03' 43" West, along the South line of said Tract 2, a distance of 7.00 feet to the Point of Beginning, being located on the northeast corner of the intersection of Skees Road and Country Place Road in a RS-Single Family Residential Zoning District, was approved on March 30, 1989, as advertised, subject to the following conditions:

1. The development shall be limited to a maximum of nine (9) residential lots.
2. Clearing of native vegetation shall be limited to the minimum amount necessary to provide for building pad, parking and pool areas.
3. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
4. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
5. The developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
6. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for County Place, 40 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
7. 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 for the 8 proposed lots \$1,045.00 per approved single family dwelling unit over 2,000 square feet and

\$804.00 per approved single family dwelling unit under 2,000 square feet.

- 8. Property owner(s) shall maintain the existing 30 foot North/South drainage easement (ORB 1824 Page 1331) subject to approval by the County Engineer and the North Palm Beach Water Control District.
- 9. Failure to comply with any conditions of approval 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.

Commissioner Marcus moved for adoption of the Resolution.

The motion was seconded by the Commissioner Howard and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	==	Aye
Karen T. Marcus	==	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 11th day of July, 1989.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY; FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: *Robert Altman*
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY: *June T. Hardy*
DEPUTY CLERK

