

RESOLUTION NO. **R-89- 1446**

RESOLUTION APPROVING ZONING PETITION NO. **89-24**
SPECIAL EXCEPTION PETITION OF
TCR SOUTH FLORIDA HOME BUILDING, INC.

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. **89-24** 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, 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. **89-24** the petition of TCR SOUTH FLORIDA HOME BUILDING, INC., by Robert E. Basehart, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT on a parcel of land lying Lot C, (less **SR 804**), lots D and E, in Block **15**; Lot C, (less **SR 804**), lots D and E, in Block **16**; Lots A to E inclusive in Block **17**; Lots A to E inclusive in Block **18**; Lots A to E inclusive in Block **47**; Lots A to E inclusive in Block **48**; Lots A to E inclusive in Block **49**; Lots A to E inclusive in Block **50**; of Palm Beach Farms Company, Plat No. **8**, Plat Book **5**, Page **73**; Less and except the West **15.00** feet thereof for road Right-of-way per Road Plat Book **4**, Page **53**;

and the South 13.00 feet thereof for Lake Worth Drainage District Canal Right-of-way per Road Plat Book 4, Page 54, being located on the southeast corner of the intersection of Boynton Beach Boulevard (SR 804) and Lawrence Road (40th Avenue South) and bounded on the south by Lake Worth Drainage District Lateral Canal No. 25, in a RS-Single Family Residential Zoning District, was approved on April 28, 1989, as advertised, subject to the following conditions:

1. Prior to certification, the master plan shall be amended to indicate:
 - a. The dimension of the Lake Worth Drainage District canal abutting the south property line; and,
 - b. Location of all preservation areas including the cluster of slash pine in the southwest corner; and,
 - c. A conceptual pedestrian circulation system servicing the entire development; and,
 - d. A fifteen (15) foot buffer on the south property line, landscaped with a minimum of one (1) tree every twenty-five (25) feet on center, or as an alternative a six (6) foot high solid wall or fence along the rear of the lots.
2. The developer shall preserve all existing native vegetation within the twenty-five (25) foot PUD buffer.
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. However, at a minimum, this development shall retain onsite the first one inch of stormwater runoff. In the event that the subject site abuts a Florida Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
6. The Property owner shall construct:

- a. left turn lane, north approach on Lawrence Road at the project's entrance road; and,
 - b. left turn lane, south approach and left **turn** lane, north approach on Lawrence Road at Boynton Beach Boulevard concurrent with onsite paving and drainage improvements. Construction of **A** and **B** shall be completed prior to the issuance of a Certificate of Occupancy.
7. The Property owner shall convey to Palm Beach County at the time of the filing of the first plat of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Lawrence Road along the property frontage and for a maximum **400** ft. distance each side of the property boundary lines along Lawrence Road. Said easements shall be no less than **20** feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(**s**)of the included segment.
 8. The petitioner 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 approved single family home under **2,000** square feet and **\$1,045.00** per approved single family home over **2,000** square feet.
 9. The property owner shall convey to the Lake Worth Drainage District the south **25** feet of Tract **E**, Block **49** and Tract **E**, Block **50** according to the plat of Palm Beach Farms Company Plat **No. 8** as recorded in Plat **Book 5**, Page **73** for the required right-of-way for Lateral Canal **No. 25**, by Quit Claim Deed or an Easement Deed in the form provided by said District at the time of the filing of the first plat.
 10. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance **73-4** as amended.
 11. 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 planned unit development.

12. The minimum acreage for the recreational area shall be maintained at 2.06 acres and shall offer the following amenities; tennis courts, swimming pool and clubhouse.
13. The petitioner shall preserve and incorporate the clustering of slash pine in the southwest corner of the site.
14. 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	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 1st day of August 1989.

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