

RESOLUTION NO. R-89-2205

RESOLUTION APPROVING ZONING PETITION NO. 89-37
REZONING PETITION OF GLORIA A. JARRIEL
SUBJECT TO VOLUNTARY COMMITMENTS

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. 89-37 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 29, 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. 89-37, the petition of GLORIA A. JARRIEL, for a REZONING FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT TO RE-RESIDENTIAL ESTATE ZONING DISTRICT on a parcel of land lying on the Southwest 1/4 of Tract 52, Block 11, in Sections 5 and 8, Township 44 South, Range 42 East, Palm Beach Farms Company Plat No. 3, Plat Book 2, pages 45-54, being located on the east side of Lyons Road (Ranch Road), approximately .9 mile north of Forest Hill Boulevard (SR 882) was approved on June 29, 1989, as advertised subject to the following voluntary commitments:

1. The application and engineering plans, calculations, etc. to construct well and/or septic tank shall be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for rezoning).
2. 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.

- 3. 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.
- 4. Petitioner voluntarily agrees to execute and record in the Public Records an agreement that provides that the sixty (60) feet of property adjacent to Lyons Road shall be reserved for the County right-of-way at a future date. The agreement would further provide:
 - a. No structure shall be constructed within the sixty (60) foot area;
 - b. When the County condemns the property, the property shall be valued as if it were zoned for AR-Agricultural Residential: and,
 - c. That the petitioner shall only build one structure on site.

Commissioner Roberts moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of December, 1989.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Andrew Altman*
COUNTY ATTORNEY

BY: *June Williams*
DEPUTY CLERK

