

RESOLUTION NO. R-90- 1325

RESOLUTION APPROVING ZONING PETITION NO. 90-16  
SPECIAL EXCEPTION PETITION OF WILLIAM H. LEE,  
JACK COLON LEE, AND ROY E. LEE  
BY MICHAEL B. SCHORAH, AGENT

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. 90-16 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 29, 1990; 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. 90-16, the petition of WILLIAM H. LEE, JACK COLON LEE, AND ROY E. LEE, BY MICHAEL B. SCHORAH, AGENT for a SPECIAL EXCEPTION FOR A PLANNED UNIT DEVELOPMENT on a parcel of land lying on a parcel in Section 35, Township 45 South, Range 42 East, being the East 1159.59 feet of the South 2727.14 feet of the West 1/2 of said Section 35, less the South 54.00 feet thereof; The East 40.00 feet thereof; The East 437.73 feet of the North 598.84 feet of the South 1393.14 feet of the Southwest 1/4 of said Section 35, and being located on the north side of Lantana West Road, approximately one mile west of Military Trail, bound on the east by Lake Worth Drainage District Canal No. 3 in a RS-Single Family Residential Zoning District, was approved on March 29, 1990 as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee approval, the master plan shall be redesigned to:

- A. The petitioner shall provide a five (5) foot wide landscape buffer along the western property line. This buffer shall be planted with:
1. Ten foot (10') tall native canopy trees planted twenty feet (20') on center.
  2. Thirty-six (36) inch tall native shrubs planted an average of thirty-six (36) inches on center.

This landscape buffer and the parks/preservation areas shall be the perpetual maintenance obligation of the Planned Unit Development (PUD) Home Owners Association.

- B. Clearly reflect how the minimum recreation requirements are to be met for this project.
- C. Provide a minimum of 1.98 acres of park/tree preservation areas.
- D. Submit a complete vegetation preservation program for the 0.8 acre park site.
- E. Provide an appropriate access in the form of a public right-of-way at a width and location acceptable to the Engineering Department to the not included parcel along the eastern property line.
2. Lakes shall be designed and planted with littoral zones. Plans for the lake design shall be submitted to the Department of Environmental Resources Management for approval prior to site plan certification.
  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 property owner shall participate in a recycling program when available in the area.
  6. The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be bused because of School Board policies regarding overcrowding, racial imbalancing or other policy matters.

This documentation shall be updated on an annual basis.

7. 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 on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the

event that the subject site abuts a 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. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

8. Prior to August 1, 1990, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
  - a. Lantana Road, fifty-four (54) feet from centerline.
  - b. The construction of a right turn lane on Lantana Road at the project's entrance road. This right-of-way shall be a minimum of 150.00 feet in length, twelve feet in width and a taper length of 180.00 feet.
  - c. A fifty (50) foot public right-of-way to the not included parcel.

All free of encumbrances and encroachments. Property owner 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. The right-of-way shall also include the adjacent five (5) acre out parcel to the west.

9. The Property owner shall construct a left turn lane, west approach and a right turn lane, east approach on Lantana Road at the project's entrance road concurrent with on site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
10. The Property owner shall convey if required by the County Engineer to Palm Beach County within 30 days of the approval of this project adequate road drainage tract through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Lantana Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Lantana 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. If required by the County Engineer

the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structure;. Elevations of all construction shall be approved by the County Engineer.

11. 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 \$1,650.00 per approved single-family dwelling unit (10 trips X \$165.00 per trip).
12. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
  - a) No more than 42 Building Permits shall be issued until construction has begun for Jog Road as a 4 lane section from Lantana Road to Melaleuca Lane plus the appropriate paved tapers.
  - b) No more than 103 Building Permits shall be issued until construction has begun for Lantana Road as a 4 lane facility from Jog Road to Military Trail plus the appropriate paved tapers.

All phasing conditions shall be graphically denoted on the site plan.

13. The Developer shall install signalization if warranted as determined by the County Engineer at the project's entrance and Lantana Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
14. Prior to Site Plan Review Committee Certification, the Master Plan shall be amended to indicate the following:
  - a) The area calculation for the park may include the area of the required 25 feet buffer that is abutting the park.
  - b) The proposed recreation facilities and cost are subject to approval by the Parks and Recreation Department.
15. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
  - a. 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; and/or

- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by 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 7th day of August, 1990.

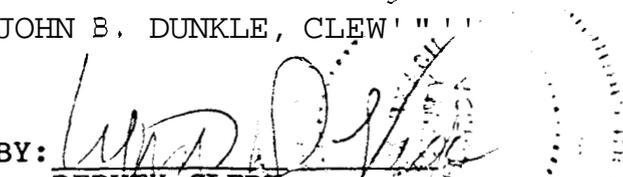
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

