

RESOLUTION NO. R-94-496

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 88-54A/D1
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-93-893
WHICH APPROVED THE SPECIAL EXCEPTION OF
NORMAN CONSTRUCTION COMPANY
PETITION NO. 88-54(A)

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 88-54A/D1 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on April 28, 1994; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 88-54A/D1 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; 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; and
2. The individual property owners are now responsible for the requirements of condition number C.1, and unable to comply with the condition as it currently reads.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. CR 88-54A/D1, to amend Conditions of Approval of Resolution No. R-93-893, the Development Order Amendment of Norman Construction Company, Petition No. 88-54(A), confirmed by the adoption of Resolution R-93-893, on Lots 1-14 and lots 19, 20, 37 and 38 of Lexington Estates according to the plat thereof recorded in Plat Book 68, Pages 130 and 131, of the Public Records of Palm Beach County, being located on the south side of Lantana Road, approximately 0.7 of a mile east of Florida's Turnpike in the RS-Single Family Residential Zoning District, is approved, subject to the following conditions:

1. All previous conditions of approval continue to apply unless expressly modified herein.
2. Condition number C.1. of Resolution R-93-893 which currently states:

The developer shall install a landscape buffer easement along the eastern and western perimeters of the property. The buffer shall consist of a **berm** with ten (10) to twelve (12) foot high canopy trees planted thirty (30) feet of center. The buffer shall be the perpetual maintenance obligation of **the** owner of the individual lot which said easement encumbers.

Is hereby amended to state:

The developer shall install a landscape buffer easement along the eastern and western perimeters of the property. The buffer shall consist of a six **(6) foot** high fence, hedge, berm, trees or combination thereof. The buffer shall be the perpetual maintenance obligation of the owner of the individual lot which said easement encumbers. Any portion of the required landscape buffer not in the residential **lot** shall be the perpetual maintenance obligation of the Property Owner's Association.

Commissioner Aaronson moved for approval of the Resolution.

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

MARY MCCARTY, CHAIR	--	Absent
BURT AARONSON	--	Aye
KEN FOSTER	--	Absent
MAUDE FORD LEE	--	Aye
KAREN T. MARCUS	--	Aye
WARREN H. NEWELL	--	Aye
CAROL ROBERTS	--	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 28th day of April, 1994.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS.

BY: *Burt Aaronson*

DOROTHY H. WILKEN, CLERK BY: *Jina M. Blair* DEPUTY CLERK

