

RESOLUTION NO. R-81-1198

RESOLUTION APPROVING ZONING PETITION

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 81-39 was presented to the Board Of County Commissioners of Palm Beach county at its public hearing conducted on 27 August 1981; and

WHEREAS, the Board of County Commissioners 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, the Board of County Commissioners made the following findings of fact:

1. The proposal would be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day of August, 1981, that Petition No. 81-39 the petition of KNOLLWOOD ORANGE GROVES, INC., by William R. Boose, III, Attorney, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land being the West 3/4 of the North 1/2 of the Northwest 1/4 of Section 18, Township 45 South, Range 43 East; less, however, the right-of-way for L.W.D.D. Canal L-20, being the North 50.0 feet of said Section, and less the right-of-way for Lawrence Road, (an 80.0 foot right-of-way), Said property located

on the east side of Lawrence Road, **approximately** one (1) mile south of Hypoluxo Road, was approved as advertised subject to the following conditions:

1. **Within** ninety (96) days of Special Exception **approval**, petitioner shall convey to Palm Beach County one hundred eight (108) feet for the ultimate right-of-way for Miner Road.
2. Petitioner shall construct **Miner** Road as a **2-lane section** through the project limits concurrent with the filing of the plat for Phase IV, or earlier if required by the **County Engineer** for the continuity of Miner Rd. from Congress Avenue on the east to Lawrence Road on the west.
3. Petitioner shall construct at the intersection of Miner Rd. and Lawrence Road concurrent with the filing of the plat for Phase IV or earlier if required by the **County Engineer**:
 - a. left turn lane, north approach
 - b. left turn lane, east approach
4. Petitioner shall construct at the intersection Of Lawrence Road and the project's entrance:
 - a. left turn lane, north approach
 - b. one lane entering, two **lanes** exiting
5. Petitioner shall provide Palm Beach County with a letter of credit in the amount of \$200,000 within 120 days of final zoning approval to be applied toward the construction program for Hypoluxo Road as a four lane **median** divided section from Congress Avenue to **Military Trail**, Or any other thoroughfare **improvements in** the general area as determined by the **County Engineer**. There shall be no Certificates of Occupancy issued until this contract for the Hypoluxo Road improvements has been let. In the event the Hypoluxo Road improvements are not part of the 1981-1982 capital outlay program, the approval of this petition shall be **readdressed** by the Board of County Commissioners. The terms of this condition are to be **specifically set** forth in a road **construction** agreement approved by the County Attorney's office.
6. The master plan shall be revised to include more detail for the **open space** and recreational amenities **package**.
7. The **City** of Boynton Beach lift station site shall be deleted from the master plan.
8. **We will** require the North 50.00 feet of the **West Three-Quarters** of the North Half of the Northwest Quarter of Section 18, Township 45 South, **Range** 43 East, palm Beach County, Florida for the right-of-way for Lateral Canal No. 20. **We** would request a Quit Claim Deed for the right-of-way.
9. The developer will **take** reasonable measures **during** the development of the property to prevent pollutant run-off into adjacent or **nearby** surface waters.

10. The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from the project do not become a nuisance to neighboring properties.
11. This project shall be limited to a total of 428 dwelling units.
12. The developer shall obtain written confirmation of utility service reservation from the City of Boynton Beach prior to platting.

Commissioner Evatt, moved for approval of the petition.

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

Frank Foster, Chairman	Aye
Norman Gregory, Vice Chairman -	Nay
Bill Bailey, Member	Aye
Dennis Koehler, Member	Aye
Peggy B. Evatt, Member	Aye

The foregoing resolution was declared duly passed and adopted this 29th day of September, 1981, confirming action of 27 August 1981.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Ann Ottens*
 Deputy Clerk

APPROVE AS TO FORM
 AND LEGAL SUFFICIENCY

[Signature]
 County Attorney

