

RESOLUTION NO. R-82-152

RESOLUTION APPROVING ZONING PETITION 81-233, Special Exception

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. 81-233 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 23 December 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 23d day of December, 1981, that Petition No. 81-233 the petition of CROUCH-PALERMO FLORIDA INC., by Raymond W. Royce, Attorney, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT, INCLUDING AN ON-SITE WATER AND SEWAGE TREATMENT FACILITY AND EXCAVATION' on a parcel of land being a portion of Hiatus

Tract 41, Township 44 1/2 South, Range 42 East, as recorded in Deed Book 944, page 164, and described as follows: Lot 1, less the Southeast 10 acres thereof, and also less that portion of Lot 1 lying North of said Southeast 10 acres and East of Lake Worth Drainage Canal E-2; Lot 2 and the East 10 acres of Lot 3 in Tract 41, Township 44 1/2 South, Range 42 East, less the North 40 feet thereof for right-of-way of Lantana Road (S.R. 812); ALSO Tracts 1 to 11 inclusive, Tracts 21 to 31 inclusive; Tracts 33 to 44 inclusive, and Tracts 53 to 64 inclusive, all in Block 37, the Palm Beach Farms Co. Plat No. 3, in Section 5, Township 45 South, Range 42 East, as recorded in Plat Book 2, pages 45 to 54 and as amended by Plat No. 13 in Plat Book 6, pages 98 and 99, LESS the following as recorded in Deed Book 1105, pages 693, Tracts 1, 33 and 64, Block 37, Palm Beach Farms Company Subdivision Plat No. 3, in Section 5, Township 45 South, Range 42 East, as recorded in Plat Book 2, page 48, EXCEPTING **herefrom** the East 20 feet of said Tracts 1, 33 and 64; also EXCEPTING **herefrom** the North 20.00 feet of Tract 1, being the right-of-way of Lake Worth Drainage District Lateral No. 16. Also that part of Lot 1, Tract 41, Township 44 1/2 South, Range 42 East described as follows: From the Southeast corner of said Lot 1, Tract 41, Township 44 1/2 South, Range 42 East, **run South 89°10'09" West**, 595.70 feet to the Western **right-of-way**line of Lake Worth Drainage District Canal E-2; thence North 0°38'34" West, 644.93 feet along the Western right-of-way line of said E-2 Canal to the North line of the Southeast 10 acres of said Lot 1, said point also being the Point of Beginning; thence along the North line of the Southeast 10 acres of said Lot 1, South 89°10'09" West, 298.49 feet; thence along the West line of the Southeast 10 acres of said Lot 1, South 18°13'36" East, 675.62 feet to the South line of Tract 41; thence along the South line of Tract 41, South 89°10'09" West, 240.85 feet; thence North 0°39'11" West, 1252.61 feet to the South **right-of-way** line of Florida S.R. 812; thence along the South right-of-way line of Florida S.R. 812, South 88°04'06" East, 321.28 feet to the Western right-of-way line of Lake Worth Drainage District Canal E-2, thence along the Western right-of-way line of Lake Worth Drainage District

Canal E-2, South 0°38'34" East, 588.09 feet to the Point of Beginning; AND LESS THE following as recorded in Deed Book 2014; page 1010; That part of Lot 1, Block 41 according to the recorded Plat of the Hiatus between Townships 44 and 45 South, Range 42 East, lying within 30 feet west of the center line of the existing Lake Worth Drainage District E-2 Canal, and the South 40 feet of said Lot 1, Block 41 of said Hiatus between Townships 44 and 45 South, Range 42 East, and the North 20 feet of Tracts 1 through 16, Block 37, Palm Beach Farms Co. Plat 3, AND LESS the East 20 feet of Tracts 1, 33 and 64, Block 37, of said Palm Beach Farms Co. Plat No. 3, and as amended by said Plat No. 13. Said property located on the southwest corner of the intersection of Florida's Turnpike and Lantana Road, was approved as advertised subject to the following conditions:

1. Petitioner shall convey to Palm Beach County within ninety (90) days of Special Exception approval, fifty-four (54) feet from centerline for the ultimate right of way for Lantana Road.
2. Petitioner shall align the project entrance with the entrance to the Lakes of Sherbrooke.
3. Petitioner shall construct at the project's entrance road and Lantana Road prior to the issuance of Certificate of Occupancy:
 - a. left turn lane, east approach
 - b. right turn lane, west approach
4. Petitioner shall construct at the intersection of State Road #7 and Lantana Road prior to the issuance of the 200th Certificate of Occupancy:
 - a. a 3 lane bridge on Lantana Road at State Road #7 per the County Engineer's approval
 - b. left turn lane, east approach
 - c. right turn lane, south approach
 - d. extend the left turn lane, north approach, per the County Engineer's approval
5. Signalization when warranted, as determined by the County Engineer, but shall be no later than five (5) years after the issuance of the final Certificate of Occupancy at the intersection of Lantana Road and the project's entrance road.

6. Petitioner shall obtain a permit from the Land Development Division, Permit Section, for the removal of any fill off-site from the subject parcel.
7. Petitioner shall contribute Seventy-six Thousand One Hundred and Seventy-five Dollars (\$76,175.00) toward the cost of meeting with this project's direct and identifiable traffic impact, to be paid on a pro-rata basis at the time of the filing of the plats. Credit against the impact fee shall be applied toward the construction of the intersection improvements at State Road No. 7 and Lantana Road as outlined in Condition #4, per the County Engineer's approval.
8. The Lake Worth Drainage District will require an Easement or Quit Claim Deed for the right of way for Lateral Canal No. 16 adjacent to and through the subject property. Discussions as to location are under way. Equalizing Canal No. 2-W and Lateral Canal No. 17 have all rights-of-way existing.
9. The developer will take reasonable precautions during the development of this project to insure that fugitive **particulates** (dust particles) from this project do not become a nuisance to neighboring properties.
10. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.
11. The petitioner shall comply with the civic site requirements of the Planned Unit Development regulations in effect at the time of preliminary **plat** review for the first plat contiguous to Lantana Road.
12. A minimum twenty-five (25) foot **tree** preservation buffer shall be observed and platted around the entire parcel.
13. Petitioner shall meet with the Urban Forester and Site Planning Section to preserve existing cypress heads and perimeter slash pines.
14. Petitioner shall limit excavation to the proposed lakes shown on the Master Plan.

Commissioner Roehler, moved for approval of the petition.

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

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

The foregoing resolution was declared duly passed and adopted
this 9th day of **February, 1982**, confirming action of
23 December 1981.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *John B. Dunkle*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Cliff R. Rind
County Attorney

