

- RESOLUTION NO, R- 82-635

RESOLUTION APPROVING ZONING PETITION #82-40 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. 82-40 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29 April 1982; 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 29th day of April, 1982, that Petition No. 82-40 the petition of HOVSONS OF FLORIDA, INC., by William R. Boose, III, Esquire, for the FURTHER SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR A PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 79-160 on all that portion of the following

described parcel lying West of the West right-of-way line of Florida State Turnpike: Tracts 1 to 44, both inclusive and Tracts 46 to 61, both inclusive, Block 45; and Tracts 1 to 38, both inclusive, and Tracts 40 to 54, both inclusive, Block 46; all in The Palm Beach Farms Co., Plat No. 3, in Sections 17, 18, Township 45 South, Range 42 East, as recorded in Plat Book 2, pages 45 to 54, inclusive, Excepting therefrom the Florida State Turnpike right-of-way, said right-of-way being a portion of Tracts 1, 22, 23 and 54 in said Block 46, and more fully described in Deed Book 1138, page 442, as follows: Tracts 1, 22, 23 and 54, Block 46, Township 45 South, Range 42 East, Palm Beach Farms Company Subdivision Plat No. 3, as recorded in Plat Book 2, page 49, Excepting therefrom the East portion of Tracts 1, 22, 23 and 54, said portion being 299.60 feet wide at the South boundary of Tract 54 and 349 feet wide at the North boundary of Tract 1, the Western 120 feet of this strip being Lake Worth Drainage District Canal E-2 right-of-way; Also Excepting the North 37.0 feet of Tract 1, being the right-of-way for Lake Worth Drainage District Lateral No. 20. Except the Western 120 feet of the above referred to strip, being Lake Worth Drainage District Canal E-2 Right-of-way; and also except the North 37 feet of Tract 1, being right-of-way for Lake Worth Drainage District Lateral No. 20. Said property located on the east side of S.R. 7 and on the west side of Florida's Turnpike, being bounded on the north by L.W.D.D. Lateral Canal No. 20, was approved as advertised subject to the following conditions:

1. The developer shall convey to Palm Beach County within 90 days of Special Exception approval 108 feet for the ultimate right of way for Lyons Road within the project's limits excluding the single out parcel.
2. The developer shall
 - a) Acquire and design the 108 foot ultimate right of way for Lyons Road from Boynton West Road north to the project's north property line prior to the time of application for a certificate of occupancy for the 425th residential dwelling unit or in no event later than four (4) years from the time of special exception approval.

In the event that the developer, after due diligent effort demonstrated to the County Engineer is unable to obtain the required 108 feet of right of way for Lyons Road from third party owners other than the Petitioner, the County will acquire such unobtained right of way at the developer's sole cost and expense by condemnation proceedings.

The developer's funds for such condemnation acquisition cost are to be provided to County within thirty (30) days of receipt by the Petitioner of written notice from County that such funds are due and payable.

Prior to the County's condemnation proceedings, the preparation of all required right of way maps shall be at the sole cost and expense of the developer and shall be prepared by the developer's engineer and approved by the County.

b) The developer shall provide County-approved surety based upon certified cost estimates that are inflation-adjusted on the basis of ten percent (10%) per annum for the two lane section of Lyons Road commencing at the project's north property line to Boynton West Road prior to the time of applications for a Certificate of Occupancy for the 425th residential dwelling unit in the project, but in no event later than four (4) years from the special exception approval.

3. The developer shall design as an ultimate 108 foot section and construct as a two lane section for Lyons Road from the project's north property line to Boynton West Road prior to the time of application for a Certificate of Occupancy for the 1000th residential dwelling unit in the project, but in no event later than eight (8) years from the special exception approval.
4. The developer shall construct at the intersection of Lyons Road and the project's entrance road, at the time of construction of Lyons Road:
 - a. left turn lane, north approach
 - b. right turn lane, north approach
 - c. left turn lane, south approach
 - d. right turn lane, south approach
 - e. left turn lane, east approach
 - f. right turn lane, east approach
 - g. left turn lane, west approach
5. The developer shall provide signilization when warranted, as determined by the County Engineer, but in no event later than five years after the issuance of the final Certificate of Occupancy for the project, at the intersection of the project's entrance and S.R. 7.

6. The developer shall contribute Two Hundred and Eighty-nine Thousand, Nine Hundred and Twentyfive Dollars (\$289,925.00) toward the cost of meeting this project's direct **and** identifiable traffic impact, to be paid on a pro-rata basis at the time of the filing of each plat. This impact fee shall be credited toward the acquisition and construction of Lyons Road but shall not be payable as long as the petitioner is in compliance with the Lyons Road project requirements provided for in Condition No. 3 above.
7. All traffic impact payments made by the developer pursuant to Zoning Petition No. 79-160 shall be credited towards funds required to acquire the Lyons Road right of way required by Condition No. 2 above.
8. 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.
9. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.
10. The developer shall provide for a phasing plan of the development to bring the proposal into conformity with Traffic Performance Standards, Ordinance 81-6 prior to Master Plan certification.
11. The Master Plan shall provide for a 50 foot landscaped buffer completely around the boundary of the site.
12. The developer shall properly notify prospective buyers of abutting active agricultural activities.
13. The developer shall obtain water and sewer service from County Utilities prior to the issuance of residential building permits.

Commissioner Koehler, 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:

Norman Gregory, Chairman	-	NO
Peggy Evatt, Vice Chairman	-	YES
Bill Bailey, Member	-	ABSENT
Dennis Koehler, Member	-	YES
Frank Foster, Member	-	YES

RE

R-76-479(76-58)19760608 S.E. EXCAVATING E.A.H

	96.	94.	93.	92.	91.	90.	89.	96.	95.	94.	93.	92.	
106.	107.	108.	109.	110.	111.	112.	113.	114.	97.	98.	99.	100.	101.

LAKE							WORTH							DRAINAGE																												
2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.	20.	21.	22.	23.	24.	25.	26.	27.	28.	29.	30.	31.	32.	33.	34.	35.	36.	37.	38.	39.	40.	41.	42.	43.	44.
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														QUAD 49																												

48.	39.	38.	37.	36.	35.	34.	33.	32.	38.	37.	36.	35.	34.	33.
53.	34.	35.	36.	37.	38.	39.	40.	41.	39.	40.	41.	42.	43.	44.

LAKE							WORTH							DRAINAGE						
P.B.F.C. BLOCK 45 2-49																				
5.	59.	60.	61.	62.	63.	64.	65.	66.	67.	68.	69.	70.	71.	72.	73.	74.	75.	76.	77.	78.
10.	66.	67.	68.	69.	70.	71.	72.	73.	74.	75.	76.	77.	78.	79.	80.	81.	82.	83.	84.	85.

15.	101.	100.	99.	98.	97.	96.	95.	94.	102.	101.	100.	99.	98.	97.
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