

RESOLUTION NO. R- 84-1162

RESOLUTION APPROVING ZONING PETITION 84-40, 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. 84-40 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 26th of April 1984; 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 proposed special exception is permitted under the provisions of the Comprehensive Plan provided that roadway construction, which substantially provides the level of service necessary, are constructed concurrent with the development's impact,.
2. The proposed density is significantly higher than that approved for properties immediately south and east of this site.
3. The proposed Master Plan would result in an attractive, well-planned residential community.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 26th of April 1984, the petition of WINGFIELD DEVELOPMENT OF PALM BEACH COUNTY, INC., By Alan J. Ciklin, Attorney, for the SPECI'AL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on Tracts 17 thru 30 inclusive less the East 12.45 feet of Tract 30, together with Tracts 33 thru 48 inclusive, Block 73, Palm Beach Farms Company Plat No. 3, in Section 5,6, Township 47 South, Range 42 East, as recorded in Plat Book 2, Pages 45 thru 54. Said property located

on the east side of U.S. 441 (S.R. 7), approximately 360 feet south of Clint Moore Road and being bounded on the east by Lyons Road was approved as advertised subject to the following conditions:

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

2. This development shall retain **onsite** the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.

3. The property owner shall convey for the ultimate right-of-way of Lyons Road, 54 feet from the existing centerline, approximately an additional 29 feet within 90 days of approval. Conveyance must be accepted by Palm Beach County prior to issuance of the first building permit.

4. The Developer shall provide signalization at the intersections of project's entrance road and S.R. 7 and Lyons Road when warranted, as determined by the County Engineer.

5. The Developer shall provide left and right turn lanes at both these roads, on S.R. 7 and Lyons Road entrances, concurrent with the first phases that access these roads. The developer shall construct left turn lanes on Lyons Road and Clint Moore Road on the south and east approaches.

6. The Developer shall provide a minimum of two (2) lanes exiting and one lane entering at both entrances.

7. The developer shall complete the 4 laning of Lyons Road with median curbing for all uncommitted links between Kimberly Boulevard and Glades Road prior to the completion of the 400th dwelling unit; or within 24 months from the date of Zoning approval, whichever shall first occur. All plans and specifications are to be completed within 12 months of Zoning approval and approved by the County Engineer prior to the letting of any contracts for this road construction. The certified cost of completing this condition shall be provided to Palm Beach County. ..

8. The developer shall complete the 4 laning of Glades Road for the remaining 2 lane section between Lyons Road and S. R. # 7, including all necessary drainage improvements, prior to the issuance of a building permit for the 401st dwelling unit; or within 24 months from the date of zoning approval, whichever shall first occur. Palm Beach County shall make available other existing developer commitments which are earmarked for this project. In the event that another entity completes this project prior to same being accomplished by the developer, the difference between the developer's cost for meeting condition # 7 and \$500,000 will be contributed by the Developer to Palm Beach County, for transportation improvements in the area at such time as the construction would have taken place. Within 90 days of approval the developer shall post a bond in the amount of \$500,000 to secure these improvements.

9. The Developer shall contribute all funds necessary for the County to acquire additional right-of-way, if necessary, to accommodate the additional two (2) lanes to Lyons Road, Glades Road, and all necessary drainage improvements.

10. Based upon and subject to receipt of a certified cost estimate for the road construction work set forth in conditions 7 and 8 above from the developer, credit shall be applied toward the project's Fair Share impact fee of up to One Hundred Forty-two Thousand Six Hundred dollars (\$142,600).

11. The government service area shall be relocated adjacent to Lyons Road and shall be dedicated to Palm Beach County for use as a water management tract to serve the drainage retention for the future construction of Lyons Road. This dedication shall occur concurrent with the filing of the first contiguous plat.

12. The internal roadway connection between S.R. 7 and Lyons Road shall be an 80' right-of-way.

13. Reasonable precautions shall be exercised during site development to insure that unconfined **particulates** (dust particles) from this property do not become a nuisance to neighboring properties.

14. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

15. The proposed day care center shall be constructed in the eastern half of the property adjacent to the proposed neighborhood park.

Commissioner Bailey, 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:

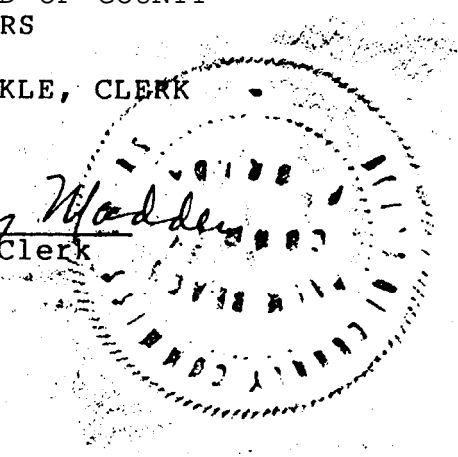
Ken Spillias, Chairman	-- NAY
Dorothy Wilkens, Vice Chairman	-- <b>NAY</b>
Peggy Evatt, Member	-- AYE
Dennis P. Koehler, Member	-- AYE
Bill Bailey, Member	-- AYE

The foregoing resolution was declared duly passed and adopted this **AUG 21** 1984, confirming action of the 26th of April 1984.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Judy Madley  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

[Signature]  
County Attorney