

RESOLUTION NO. R-85-961

RESOLUTION APPROVING ZONING PETITION 85-45, 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. 85-45 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th April 1985; 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. Petitioner has voluntarily agreed to provide to the School Board of Palm Beach County, \$73,000 representing \$250.00 for each of the 292 dwelling units in the subject development. These funds shall be used by the School Board of Palm Beach County for school site acquisition and/or site related improvements, to alleviate schools serving the area of Palm Beach County in which the PUD is located.

Payment shall be made to the School Board of Palm Beach County at time of platting approval. The amount of payment shall be made for the number of dwelling units approved within each plat.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 25th of April 1985, that Petition No. 85-45 the petition of CENVILL PROPERTIES, INC., By Kieran Kilday, Agent for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on Lots 1 and 2 of Tract 39, less the Westerly 40 feet of Lot 2 for the right-of-way for Jog Road, and less the North 40 feet of said Lots 1 and 2 for the

right-of-way for Lantana Road, and less the South 35 feet of said Lots 1 and 2 for Lake Worth Drainage District Lateral No. 16.

Also that portion of Lot 2, Tract 38 lying Westerly of a line 350 feet West of and parallel to the Westerly right-of-way line of Lake Worth Drainage District Canal E-3, less the North 40 feet for right-of-way for Lantana Road and less the South 35 feet for Lake Worth Drainage Lateral No. 16.

Together with:

That portion of Lot 2, Tract 38, lying between a line lying 350 feet West of and parallel to, the West right-of-way of Lake Worth Drainage District Canal E-3, and the Westerly right-of-way line of Lake Worth Drainage District Canal E-3, less the North 40 feet for right-of-way for Lantana Road and less the South 35 feet for Lake Worth Drainage Lateral No. 16.

All of the above property being in Township 44 1/2 South, Range 42 East, less the following described portion thereof:

A parcel of land lying in Tract 39 of Township 44 1/2 South, Range 42 East, said parcel being described as the Westerly 30.00 acres of the following described parcel:

Lots 1 and 2 of Tract 39, less the Westerly 40 feet (15 foot of Road right-of-way by plat) of Lot 2 for the right-of-way for Jog Road, and less the North 40 feet of said Lots 1 and 2 for right-of-way for Lantana Road, and less the South 35 feet of said Lots 1 and 2 for Lake Worth Drainage District Lateral No. 16.

The subject 30.00 acre parcel being more particularly described as follows :

Commencing at the South 1/4 corner of Section 34, Township 44 South, Range 42 East; thence with a bearing of South 88 degrees 32'23" East, along the South line of the Southeast 1/4 of said Section 34, a distance of 69.24 feet to a point; thence with a bearing of South 01 degrees 27'37" West, a distance of 40.00 feet to the Point of Beginning; thence with a bearing of South 88 degrees 32'23" East, along a line lying 40.00 feet South of and parallel to said South line of the Southeast 1/4 of Section 34, being the South right-of-way of Lantana Road, a distance of 1589.85 feet to a point; thence with a

bearing of South 28 degrees 30'38" East, a distance of 913.36 feet to a point lying on a line 35.00 feet North of and parallel to the North line of the Northeast 1/4 of Section 3, Township 45 South, Range 42 East; thence along said parallel line, being the North right-of-way line of Lake Worth Drainage District Lateral No. 16, with a bearing of South 89 degrees 11'43" West, a distance of 1555.61 feet to a point lying on a line 40.00 feet East of and parallel to the centerline of Jog Road and 25.00 feet East of and parallel to the West line of the aforesaid Lot 2; thence along said parallel line, being the Easterly right-of-way line of Jog Road, with a bearing of North 28 degrees 30'38" West, a distance of 984.33 feet, more or less, to the Point of Beginning. Said property located on the south side of Lantana West Road (S.R. 812), approximately .2 mile east of Jog Road was approved as advertised subject to the following conditions:

1. 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.
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
3. 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.
4. The property owner shall convey for the ultimate right-of-way of Lantana Road 54 feet from centerline, approximately an additional 14 feet, within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.
5. The developer shall construct, concurrent with the construction of each of the project's entrance roads onto Lantana Road, a Left Turn Lane, East Approach and a Right Turn Lane, West Approach.
6. The Petitioner shall provide Palm Beach County with a road drainage easement and sufficient storm drainage retention through this project's internal lake system to legal positive outfall for the road drainage of Lantana Road. This drainage easement shall be subject to all governmental agency requirements and shall be for the limits of the property.
7. The Developer shall be limited to 200 Building Permits until the contract has been let ( or a Letter of Credit which can be called upon after 30 days notification) for the construction of Lantana Road as a 4-lane section between Military Trail to Congress Avenue.
8. The developer shall align the project's west entrance with the entrance to Lee's Crossing on the north side of Lantana Road.
9. The East entrance to the proposed project shall be located per the County Engineer's approval.

10. The Developer shall provide Palm Beach County with all associated right-of-way documents (including, but not limited to, surveys, property owners' maps, legal descriptions for acquisition, parceled right-of-way maps) required for the acquisition of right-of-way for Lantana Road from Military Trail to Jog Road, within 9 months of zoning approval. The Developer shall enter into an agreement with Palm Beach County's Land Acquisition Section for all required appraisals, for which this petitioner shall provide all necessary funds. Funds from this condition shall be credited toward the Fair Share Impact Fee as outlined in Condition No. 13.

11. The Developer shall provide Palm Beach County with the construction plans for Lantana Road between Jog Road and Military Trail plus the appropriate tapers. These construction plans shall be for a 4-lane median divided section subject to approval by the County Engineer and shall conform to minimum requirements as they now exist or as they may from time to time be amended as established by the County Engineer. Funds for these construction plans shall be credited toward the Fair Share Impact Fee as outlined in the Condition No. 13. These construction plans shall be approved with all required necessary permits. This shall include 4 laning of Jog Road, 200 feet North and North of Lantana Road, plus appropriate tapers within one year of zoning approval.

12. The Developer shall post acceptable surety in the amount of the cost of the construction plans and Right-of-way documents within 90 days of Special Exception approval or prior to the issuance of a Certificate of Occupancy, whichever shall first occur.

13. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently, the Fair Share Fee for this project is \$60,200.00.

14. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$164,800.00 toward Palm Beach County's existing Roadway Improvement Program, these total combined funds (not to exceed \$225,000.00) less the cost of Right-of-way documents and construction plans (which shall not exceed a total amount of \$205,000.00) shall be deposited with Palm Beach County within one year of zoning approval.

15. Prior to site plan certification the master plan shall be amended indicating the housing type pursuant to Section 402.7.B.3.c.(2) of the Zoning Code.

16. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

17. All on-site excavation shall be limited to a depth of twenty-eight feet below the existing land surface.

Commissioner Owens, moved for approval of the petition. The motion was seconded by Commissioner Spillias, and upon being put to a vote, the vote was as follows:

Ken Adams, Chairman	--	ABSENT
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted

this day of **JUN 21 1985** confirming action of the 25th April  
1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beausie  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Progne  
County Attorney