

RESOLUTION NO. R-85-1439

RESOLUTION APPROVING ZONING PETITION 85-62, 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. 85-62 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th July 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 the School Board of Palm Beach County \$5,000.00 representing \$250.00 for each of the 20 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 P.U.D. **is** located.
3. Payment shall be made in full to the School Board of Palm Beach County at time of issuance of the first residential building permit within the P.U.D..

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 25th of July 1985, that Petition No. 85-62 the petition of R.T. MILFORD CO. By David Carpenter, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED RESIDENTIAL DEVELOPMENT on the East 12.45 feet of Tract 30, all of Tracts 31 and 32, Block 73, Palm Beach Farms Company Plat No. 3 in Section 6, Township 47 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54. Said property

located on the west side of Lyons Road approximately .1 mile south of Clint Moore 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. Prior to Site Plan Certification the site plan shall be amended to reflect the following:
 - a) Corrected site data block indicating 2 dwelling units per acre.
 - b) Required redesign of entry road to facilitate traffic flow and queuing into and out of the site.
3. The development shall retain onsite 85% of the first one-inch of the storm water 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 Lyons Road 54 feet from centerline approximately an additional 4 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 Property owner shall construct a Left Turn Lane South Approach on Lyons Road at the project entrance concurrent with the construction of the project's entrance road onto Lyons Road.
6. The Property owner shall provide Palm Beach County with a road drainage easement with sufficient retention/detention capacity through this project's internal lake system to legal positive outfall for the road drainage of Lyons Road. This drainage easement shall be subject to all governmental agency requirements.
7. The Property owner shall plat each parcel throughout the site per the County Engineer's approval concurrent with the development of the project.
8. 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.
9. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
10. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.
11. The petitioner shall not intrude into the northern sixty (60) feet of this site with any development activity until such time that litigation to quiet title has been resolved in this petitioner's favor, or a quit claim deed or other release is obtained by the petitioner from the party contesting ownership.

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

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

The foregoing resolution was declared duly passed and adopted
this *17* day of *September* confirming action of the 25th July 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Jean Ann Ellington*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Jane [Signature]
County Attorney