

RESOLUTION NO. R-86-631

RESOLUTION APPROVING ZONING PETITION 85-62(A), 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(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th February 1986; 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. The School board of Palm Beach County has demonstrated that the schools serving Petition 85-62(A) are operating at or above capacity and that plans exist for additional facilities to alleviate overcrowding of additional students generated by new residential growth. The petitioner has agreed to continue to voluntarily participate in the School Board's Site Acquisition Program by contributing \$250.00 for each dwelling unit within the subject development pursuant to the July 25, 1985 Board Hearing on Petition No. 85-62. Funds will be used by the School Board for the acquisition of sites and/or the construction of facilities serving subject petition.
3. Payment in full shall be due the School Board of Palm Beach County in accordance to the payment schedule established between the petitioner and the School Board.
4. Petitioner shall enter into formal contract with the School Board of Palm Beach County to assure timely payment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular

session this the 27th of February 1986, that Petition No. 85-62(A) the petition of R.T. MILORD CO., By David Carpenter, Agent, for a SPECIAL EXCEPTION TO AMEND THE APPROVAL FOR A PLANNED RESIDENTIAL DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-62, BY DELETING THE PLANNED RESIDENTIAL DEVELOPMENT AND ALLOWING A PLANNED UNIT 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 in an RS-Residential Single Family District was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be revised to reflect a 15 foot width dimension for the one-way access dimension.
2. All property included in the legal description of this Zoning Petition shall be subject to a Declaration of Restrictions and Covenants, acceptable to County Attorney's office, which shall provide, among other things, for the following: Formation of a single "master" property owners' association, and automatic membership in the "master" property owners' association by any party holding title to any portion of the property included in the P.U.D.
3. 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.
4. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
5. 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. The drainage system shall be maintained in an acceptable condition per the County Engineers approval. The property owner shall convey for the ultimate right-of-way of Lyons Road, 54 feet from centerline (approximately an additional 29 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.
6. The property owner shall construct a left turn lane, south approach on Lyons Road at the project's entrance road concurrent with the construction of the project's entrance road.
7. The property owner 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. The Fair Share Fee for this project presently is \$26,452.08 (389 trips X \$80.40 per trip).
8. This development shall meet or exceed the minimum recreation area requirement of Article IX, Section VIII, of the P.B.C. Subdivision and Platting Ordinance.
9. The petitioner shall comply with the conditions of approval of Petition 85-62, except as modified or superseded herein.

10. The density in the P.U.D. shall be limited to a maximum of 4.0 dwelling units per acre.

11. The petitioner shall determine the recreation requirements per the Parks Department's approval prior to site plan certification.

12. When the project is completed, the petitioner shall restore the bike path along the Lyons Road frontage.

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

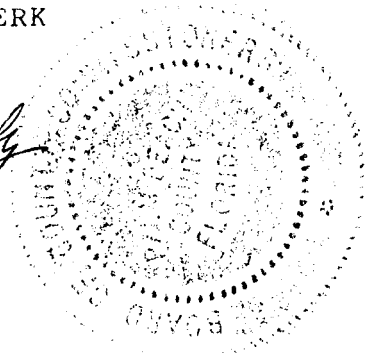
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	ABSENT
Dorothy Wilken, Member	--	OPPOSED
Ken Adams, Chairman	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 13th day of May, 1986 confirming action of the 27th February 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Meyer
County Attorney