

RESOLUTION NO. R-86-633

RESOLUTION APPROVING ZONING PETITION 85-73, 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. 85-73 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. With variance relief, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. The School board of Palm Leach County has demonstrated that the schools serving Petition 85-73, Lago Del Sol Planned Unit Development, 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 voluntarily agreed to participate in the School Board's Site Acquisition Program by contributing \$250.00 for each dwelling unit within the subject development. 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 School Boara of Palm keach 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. 85-73 the petition of DANIEL H. LEEVEH By Kieran J. Kilday, Agent for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT INCLUDING EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SHELL OR OTHER EXTRACTIVE KATERIALS on the East 3/4 of the East 1/2 of the Southwest 1/4 of the Section 36, Township 44 South, Range 41 East. Said property located on the north side of Lantana Road approximately 0.5 miles west of State Road 7 (U.S. 441) was approved as advertised subject to the following conditions :

1. Prior to site plan certification, the site plan shall be revised to reflect the following:

- a) all required information pertaining to the proposed excavation.
- b) an 80 foot land dimension for 50% of the rehabilitated perimeter or seek variance relief from the Board of Adjustment
- c) a maximum of 5:1 slope to a depth of 6 feet, or variance relief from the board of Adjustment
- d) the location of all relocated and replaced existing veyetation.

2. 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.

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

4. Cross section of all proposed lakes shall be in accordance with Palm Beach County Subdivision and Flatting Regulation 73-4 as amended.

5. All lakes shall be planted with a littoral zone.

6. Lake depths shall not exceed that which is permitted by South Florida Water Management District.

7. 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.

8. The property owner shall convey for the ultimate right-of-way of Lantana Road, 40 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.

9. The property owner shall construct:

- a) Lantana Road from S.R. 7 west to the project's entrance road. This construction shall include 2-12 foot travel lanes, positive drainage with all structures constructeo for ultimate 4 lanes, location of the proposed 2 lanes shall be per the County Engineers approval.
- b) Left turn lane, south approach and a right turn lane, north approach on S.R. 7 at Lantana Road.
- c) Right turn lane, west approach on Lantana Road at S.H. 7.

"a)" shall be concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

"b)" and "c)" shall be prior to any fill removal offsite.

10. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of Lantana Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Lantana Road. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements.

11. 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 \$21,547.011) (268 trips X \$80.40 per trip).

12. The property owner/developer shall obtain a minimum of 50 foot right-of-way for Lantana Road from S.R. 7 to the project's east property line. This right-of-way shall be conveyed, executed, accepted and recorded by Palm Beach County prior to the Site Plan Certification of the Master Plan. for the Planned Unit Development or withn 60 days of Special Exception approval whichever shall first occur. This right-of-way shall align with the proposed 108' right-of-way for Lantana from S.R. 7 east.

13. The development shall meet or exceed the minimum recreation area requirement or Article IX, Section VIII, of the P.B.C. Subdivision and Platting Regulation Ordinance.

14. The property owner shall obtain a road restoration permit prior to any fill removal being taken offsite.

15. Prior to site plan certification the petitioner shall submit a septic tank subdivision analysis to the Health Department and Zoning Division. Said informational analysis and plans shall be subject to Health Department approval.

16. All outdoor lighting at the proposed clubhouse shall be directed away from adjacent residential properties.

17. No power boats shall be operated on the lakes from sunset to sunrise.

18. The comment letter from the South Florida Water Management District shall be presented at the Board of County Commissioners public hearing.

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

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

The foregoing resolution was declared auly 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'Folys
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Meyer
County Attorney