

RESOLUTION NO. R- 86-749

RESOLUTION APPROVING ZONING PETITION 84-178(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. 84-178(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th March 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 No. 84-178(A) Linton Boulevard PUD 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 voluntarily 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 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 March 1986, that Petition No. 84-178(A) the

petition of LINTON BOULEVARD NURSERY IV, LTD., By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR A PLANNED UNIT DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 84-178, TO DELETE 5.42 ACRES on the West 1/2 of Northeast 1/4 of Northwest 1/4 of Northwest 1/4; and East 1/2 of East 1/2 of Northwest 1/4 of Northwest 1/4 of Northwest 1/4; North 220 feet of West 1/2 of Southeast 1/4 of Northwest 1/4 of Northwest 1/4; North 220 feet of East 1/2 of East 1/2 of Southwest 1/4 of Northwest 1/4 of Northwest 1/4 of Section 26, Township 46 South, Range 42 East, together with:

The East 1/4 of Southwest 1/4 of Northwest 1/4 of Northwest 1/4 except the North 220 feet thereof and West 1/2 of Southeast 1/4 of Northwest 1/4 of Northwest 1/4, except the North 220 feet thereof, and West 1/2 of East 1/2 of Southwest 1/4 of Northwest 1/4, Section 26, Township 46 South, Range 42 East.

ALSO the North 20 feet of the East 10 feet of the East 1/2 of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 26, Township 46 South, Range 42 East. Said property located on the south side of Linton Boulevard, approximately .8 mile west of Military Trail (S.R. 809) and being bounded on the south by L.W.D.D. Lateral Canal No. 37 in an RTS-Residential Transitional Suburban District was approved as advertised subject to the following conditions:

1. 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.

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. The Developer shall comply with all previously imposed conditions of Petition No. 84-178 except as amended herein.

5. Condition No. 7 which states:

"7. 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 \$27,250.00."

is hereby amended to state:

"7. 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 \$61,908.00 (770 trips X \$80.40 per trip)."

6. Condition No. 8 which states:

"8. The property owner shall provide Palm Beach County with a road drainage easement and sufficient retention area through this project's internal lake system for legal positive outfall for the road drainage to Linton Boulevard. The road drainage easement shall be subject to all governmental agency's requirements."

is hereby amended to state:

"8. 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 Linton Boulevard along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Linton Boulevard. 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."

7. Condition No. 10 which states:

"10. The property owner shall dedicate a 50 foot road right-of-way running in an east, west direction south of Lake Worth Drainage District Canal No. 37 within 90 days of Special Exception approval."

is hereby deleted.

8. Termination of the north, south 50 foot road right-of-way at the north end of Canal No. 37 shall be by way of a cul-de-sac 100 feet in width.

9. The petitioner shall convey to the Lake worth Drainage District the south 20.00 feet of the subject property for the required right-of-way for Lateral Canal No. 37, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of adoption of the Resolution by the Board of County Commissioners.

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

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

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

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Kelly
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Agnew
County Attorney