

RESOLUTION NO. R-87-21

RESOLUTION APPROVING ZONING PETITION 86-19, 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. 86-19 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 26, 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 13th day of January, 1987, that: Petition No. 86-19, the petition of SCHMIER AND FEURRING PROPERTIES, By Robert J. Schmier, Agent, for the SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a portion of the following: Tracts 48, 49, 50, 51, 52, 53, 54 and 55, Block 76, Palm Beach Farms Company, Plat No. 3, according to the plat thereof, in Section 17, Township 47 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54 inclusive, **LESS** the Right-Of-Way for Lyons Road as described in



distance of 95.21 feet; thence South 24 degrees 38'57" East, a distance of 71.51 feet; thence South 37 degrees 24'55" East, a distance of 186.68 feet: thence South 07 degrees 20'54" East, a distance of 89.52 feet to the Point of Curvature of a circular curve to the left; thence Southeasterly, along the arc of said curve, having a radius of 127.19 feet, an arc distance of 149.86 feet to the Point of Tangency; thence South 74 degrees 51'23" East, a distance of 90.10 feet: thence South 88 degrees 13'24" East, a distance of 64.38 feet: thence North 76 degrees 00'40" East, a distance of 61.91 feet: thence North 69 degrees 28'43" East, a distance of 64.88 feet; thence North 88 degrees 31'28" East, a distance of 211.57 feet to the point on the East line of the above described parcel; thence North, along said East line, a distance of 873.91 feet; thence West, a distance of 329.98 feet: thence South, a distance of 25.00 feet; thence West, a distance of 931.92 feet; thence South, a distance of 114.97 feet, the last five courses described being coincident with the East, North and West lines of the above described parcel, said point being further described as being the Point of Beginning of this description. Said property located on the east side of Lyons Road, approximately .2 mile on the north by the Lake Worth Drainage District Lateral Canal No. 45, 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. The developer shall preserve existing native vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall be taken to Protect these preservation areas during site clearing and construction. These preservation areas shall be conceptually shown on the master plan prior to master plan certification.
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.
6. The property owner shall construct a left turn lane, north approach and a right turn lane, south approach on Lyons Road at the project's entrance concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.
7. 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 Lyons Road from the L-4S Canal to Glades Road, and Glades Road from Sta. 68+00 to Sta. 96+50. 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.
  - a. 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. The Fair Share Fee for this project presently is \$43,336.00 (539 trips X 880.40 per trip).
9. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$10,834.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$54,170.00 are to be paid prior to the issuance of a building permit or within 12 months of final Board approval.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$10,834.00 shall be credited toward the increased Fair Share Fee.
10. The petitioner shall convey to the Lake Worth Drainage District the north 25 feet of Tracts 48-54 inclusive, Block 76, Palm Beach Farms Company Plat No. 3 for the right-of-way for Lateral Canal No. 45 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.
11. 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.
12. Prior to master plan certification the master plan shall be amended to reflect the following:
  - a) Housing types shall be listed pursuant to Section 402.7.3.d.2.

- b) Prior to master plan certification, the location of wooded areas and existing and proposed water bodies shall be submitted.
  - c) Amount and type of recreation facilities proposed.
13. The 25 foot buffer abutting the shopping center to the southwest shall consist of any combination of the following: berm and/or hedge to reach a six (6) foot height within two (2) years of planting, supplemented by one (1) 10 to 12 foot high canopy tree planted 30 feet on center.
14. The maximum density permitted shall be 3.5 du/ac.

NOTE: Condition Nos. 7 and 9 have been amended by the Engineering Staff pursuant to B.C.C. direction.

Commissioner Adams, 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:

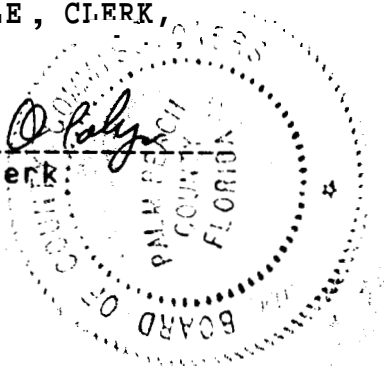
Karen Marcus	--NAY
Jerry L. Owens	--AYE
Ken Spillias	--ABSENT
Dorothy Wilken	--AYE
Kenneth M. Adams	--AYE

The foregoing resolution was declared duly passed and adopted this 13th day of January, 1987 confirming action of June 26, 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK,

BY: *Barbara O. Polyzos*  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*[Signature]*  
-----  
County Attorney

Official Record Book 2870, Page 1761. Being more particularly described as follows: Commencing at the Southwest corner of the above described parcel; thence West, a distance of 329.98 feet; thence South 13.00 feet; thence West 930.31 feet; thence North 40.00 feet; thence North 43 degrees 30'00" West, a distance of 36.27 feet to a point on the East Right-of-way line of Lyons Road, the last five courses described being coincident with the North Right-of-way line of Glades Road (State Road 808); thence North 03 degrees 00'00" East, a distance of 344.78 feet to the Point of Curvature of a circular curve to the left; thence Northerly, along the arc of said curve, having a radius of 3873.72 feet, an arc distance of 202.83 feet to the Point of Tangency; thence North, a distance of 541.66 feet, the last three courses described being coincident with said East Right-of-way line, said point being on the arc of a circular curve to the left, whose radius point bears North from the last described point, the last eight courses described being coincident with the South and West lines of the above described parcel, said point being further described as being the Point of Beginning of this description: thence Northeasterly, along the arc of said curve, having a radius of 41.90 feet, and arc distance of 47.01 feet; thence North 89 degrees 10'20" East, a distance of 228.67 feet to the Point of Curvature of a circular curve to the right; thence Southeasterly, along the arc of said curve, having a radius of 126.03 feet, an arc distance of 156.31 feet to the Point of Tangency; thence South 19 degrees 45'55" East, a distance of 34.73 feet to the Point of Curvature of a circular curve to the left; thence Southeasterly, along the arc of said curve, having a radius of 198.27 feet, an arc distance of 97.96 feet to the Point of Tangency; thence South 48 degrees 04'21" East, a distance of 56.59 feet to the Point of Curvature of a circular curve to the right; thence Southeasterly, along the arc of said curve, having a radius of 69.00 feet, an arc distance of 47.97 feet to the Point of Tangency; thence South 08 degrees 14'30" East, a