

RESOLUTION NO. R-87-435

RESOLUTION APPROVING ZONING PETITION 86-119, 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. 86-119 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 23, 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 required site plan modification, this proposal will be 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 24th day of March, 1987, that: Petition No. 86-119, the petition of FLORIDA POWER AND LIGHT COMPANY By Charles Duane West, Agent, for a SPECIAL EXCEPTION TO ALLOW PUBLIC UTILITY SERVICE, INCLUDING AN ELECTRIC POWER AND LIGHT SUBSTATION on a parcel of land in Tract 37, of the Hiatus between Township 44 South and Township 45 South, Range 42 East, and the West 1.68 feet of lot 162 and all of lots 163 to 169, inclusive, and a part of lots 170 and 171, Less the North 40 feet thereof, of the plat of Lake Osborne Subdivision, recorded in Plat Book 9, Page 43, more

particularly described as follows: Beginning at the 1/4 corner in the North Line of Section 1, Township 45 South, Range 42 East, said 1/4 corner also being the Southwest corner of Lot 171, according to the Plat of Lake Osborne Subdivision, recorded in Plat Book 9, Page 43; thence South 87 degrees 59'40" West along the North line of said Section 1, a distance of 24.22 feet to a point on the Easterly Right-of-way line of Military Trail (State Road 809), said point also being on the arc of a curve concave to the Southwest, having a radius of 2914.93 feet and a chord bearing of North 17 degrees 07'04" West; thence Northwesterly along the arc of the said curve and the Easterly Right-of-way line of Military Trail through a partial central angle of 5 degrees 02'22", a distance of 256.38 feet to the end of said curve; thence North 19 degrees 38'15" West along said Easterly Right-of-way line of Military Trail, a distance of 97.92 feet to a point; thence East, a distance of 200 feet to a point; thence North 19 degrees 38'15" West, a distance of 157.53 feet to a point on the South Right-of-way line of the Lake Worth Drainage District Lateral Canal No. 16, said point also being 40 feet South of the South line of Section 36, Township 44 South, Range 42 East; thence East along the said South Right of Way line, a distance of 344.78 feet to a point, said point being 40 feet South of and 1.68 feet East of the Northwest corner of Lot 162 of said plat of Lake Osborne Subdivision and also being 40 feet South of the South line of Section 36, Township 44 South, Range 42 East; thence South 1 degree 58'40" East, parallel with and 1.68 feet East of the West line of said Lot 162, a distance of 472.00 feet to a point on the North line of said Section 1, Township 45 South, Range 42 East; thence South 88 degrees 01'20" West along the said North line of Section 1, a distance of 375.78 feet to the Point of Beginning. Said property located on the south side of Lantana West Road, approximately 200 feet east from Military Trail (S.R. 809) in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

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

- a. One (1) of three (3) alternative perimeter landscape strips where site abuts residential lots.
  - b. Reduce the amount of clearing associated with the entrance drive and the 40 foot turf area surrounding the facility to allow further vegetation preservation. In areas where the existing vegetation does not meet the minimum buffering requirements of the Landscape Code the existing vegetation shall be supplemented with native vegetation.
  - c. Live oaks and cabbage palms that will be impacted by the proposed development shall be relocated to the perimeter of the site.
  - d. Proposed landscaping should reflect a three (3) species planting requirement.
  - e. Twenty percent (20%) of the proposed trees should be accepted native species.
  - f. The preservation areas shall be considered natural areas and be subject to the following:
    - 1) Prominently highlighted so that equipment operators can see the limits of removal.
    - 2) No grade changes be made in the buffer areas.
    - 3) Trenching shall be performed in the manner specified in the Tree Protection Manual for Builders and Developers.
    - 4) No soil shall be removed from buffer areas.
    - 5) No foreign materials shall be deposited in buffer areas.
    - 6) All grubbing and landscape installation accomplished using light machinery and hand labor.
  - g. All prohibited plant species shall be removed from the site.
2. Existing well on the site shall be used for irrigation purposes only.
  3. The developer shall meet the stormwater retention requirements in effect at the time of the permit application for the applicable drainage district. However, at a minimum the development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one (1) hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the Drainage System is not adequately maintained to the satisfaction of the County Engineer, the matter shall be submitted to the Code Enforcement Board for review and possible citation.
  4. The property owner shall convey for the ultimate right-of-way of:
    - a) Military Trail, 53 feet from centerline (approximately an additional three [3] feet)
    - b) Lantana Road, required Right-of-way as shown in the

Lantana Right-of-way map 83-219, sheet eleven (11) of twelve (12).

all within 90 days of the final adoption of the Resolution approving this project.

- 5. The petitioner shall convey to the Lake Worth Drainage District the south 40 feet of the subject property for the required right-of-way for Lateral Canal No. 16. by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project. Existing physical ditches will remain in use until all abutting highway work is completed.

Commissioner Wilken, 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	--	AYE
Jerry L. Owens	--	AYE
Ken Spillias	--	ABSENT
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 24th day of March, 1987 confirming action of October 23, 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Jina M. Eldridge*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*[Signature]*  
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County Attorney