

RESOLUTION NO. R-87-886

RESOLUTION APPROVING ZONING PETITION 87-2: 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. 87-2 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 29, 1987; 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 master plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-2. The petition of ROBERT J. SCHMIER, TRUSTEE, By Alan J. Ciklin, Attorney, for a SPECIFIL EXCEPTION TO ALLOW A PLANNED RESIDENTIAL DEVELOPMENT on a parcel of land lying within the Northeast 1/4 of Section 9, Township 47 South, Range 42 East, being more particularly described as follows: Commence at the Northeast corner of said Section 3, thence South 00 degrees-54'-54" East, along the Northerly projection of the West line of Woodfield Hunt Club 11, recorded in Plat Book 49, pages 143 through 153, as now laid out and in use, a distance of 10.00 feet to the Point of

Beginning, thence continue South 00 degrees- 54'-54" East, along said Northerly projection and said West line, a distance of 1326.79 feet to a point on the South line of the Northeast 1/4 of the Northeast 1/4 of said Section 9, thence South 89 degrees-48'-40" West, along said South line, a distance of 662.49 feet to the Southwest corner of the East 1/2 of the said Northeast 1/4 of the Northeast 1/4 of said Section 9, thence North 01 degrees-03'-27" West, along the West line of said East 1/2, a distance of 1328.77 feet to a point on a line 10.00 feet South of, as Measured at right angles to the North line of said Section 9, thence North 89 degrees-58'-40" East along said line 10.00 feet South of said North line of Section 3, a distance of 665.63 feet to the Point of Beginning- Said property located on the south side of the Yamato Road Extension, approximately .9 miles east of Florida's Turnpike (Sunshine State Parkway) was approved as advertised subject to the following conditions:

1. Prior to Subdivision Review Committee certification, the master plan shall be amended to reflect the following:
  - a. the location and acreage of the recreation area as noted in the site data tabular
2. No building permit shall be issued for the property until such a time that the site is connected to a public sewer system and water supply system except for dry models.
3. Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on said property.
4. 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 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 as approved by the County Engineer.
5. The property owner shall convey for the ultimate right-of-way of Yamato Road a total of 120 feet on an alignment approval by the County Engineer within ninety (90) days of the adoption of the Resolution approving this project.
6. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal fake system which is adjacent to the property capable of accommodating all runoff from those segments of Yamato Road along the property frontage and for a maximum 1000 foot distance each side of the property boundary lines along Yamato Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control

District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff.

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 \$1,045.00 for single family homes over 2,000 square feet and \$804.00 for single family homes under 2,000 square feet.
8. The property owner shall construct Yamato Road as a 2 lane undivided section from the present terminus west of Jog/Powerline Road west to the project's entrance road in accordance with the construction plans provided by the developer if otherwise unavailable, when required, and shall coordinate his plan preparation with others for responsibility for construction of Yamato Road. No impact fee credit shall be given for any plan preparation. This construction shall be completed prior to the issuance of a Building Permit except for dry models. Credit for this construction shall be given toward the Fair Share Fee as outlined in the Condition above.

3 Surety required for the offsite road improvements as outlined in the Condition above shall be posted with the Office of the County Engineer prior to filing of the first plat.

Commissioner Marcus, 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:

Carol A. Roberts	--	Aye
Jerry L. Owens	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Rdams	--	Absent

The foregoing resolution was declared duly passed and adopted this 23rd day of June, 1987 confirming action of January 29, 1987.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN E. DUNKLE, CLERK

BY: Jane M. [Signature]  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

[Signature]  
County Attorney