

RESOLUTION NO. R- 87-1172

RESOLUTION RPPROVING ZONING PETITION 77-65(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. 77-65(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning authority, at its public hearing conducted on February 26, 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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 BORRD OF COUNTY COMMISSIONERS OF PRLM BERCH COUNTY, FLORIDR, that Petition No. 77-65(A), the petition of GRLLO, ELMORE, BELLIS, DAVIMOS, ROBERTS, SRBGR, VRZQUES, FOX, MORSE OPERRTIONS, INC., GEORGE, ROUTH, MYHRE,

WINKER, VIRTUE, LUHRS, SOUTH IFIC DEVELOPMENT CO., LE LRC PROPERTY OWNERS ASSOCIATION INC., by David S. Pressly, Esquire. for a SPECIAL EXCEPTION TO EXTINGUISH A PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED ON JULY 24, 1986, UNDER ZONING PETITION 86-67 AND TO AMEND AND EXPAND THE MASTER PLAN FOR A PLANNED UNIT DEVELOPMENT AND TWO (2) PRIVATE HELIPORTS PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 77-65 TO INCREASE THE ACREAGE BY 34.59 ACRES on all of the Plat of Le Lac, according to the Plat thereof, as recorded in Plat Book 39, Pages 145 and 146. Together with the following described parcel: a portion of the Southwest 1/4 of Section 35, Township 46 South, Range 42 East, more particularly described as follows: Commencing at the Southwest Corner of said Section 35, Thence North 00 degrees 04' 18" East along the West line of said Section 35, a distance of 25.0 feet to the North Right-of-way Line Clint Moore Road as recorded in Deed Book 784, Page 153 and the Point of Beginning of this description; Thence continue North 0 degrees 04' 18" East along said West line of said Section 35, a distance of 644.82 feet to the Northwest Corner of the South 1/2 of the South 1/2 of the Southwest 1/4 of said Section 35; thence South 89 degrees 46' 26" East along the Southerly line of "Le Lac" Subdivision according to the Plat thereof, as Recorded in Plat Book 39, Pages 145 and 146 a Distance of 2014.31 feet to the West Line of Lot 3 of said "Le Lac" Subdivision; thence South 00 degrees 03' 50" East, along said West Line, a distance of 334.97 feet to the Southwest corner of said Lot 3; Thence South 89 degrees 46' 21" East along the South Line of said Lot 3, a distance of 672.56 feet to an Intersection with the East Line of the Southwest 1/4 of said Section 35; Thence South 00 degrees 02' 06" West along said East Line of Southwest 1/4, a distance of 309.03 feet to an intersection with the North Right-of-way Line of Clint Moore Road; Thence North 89 degrees 47' 28" West along said North Right-Of-Way Line of 25.0 feet North of and parallel with, as measured at Right Angles to the south Line of said Section 35, a distance of 2,687.85 feet to the Point of Beginning. The property located on the north side of Clint Moore Road approximately .5 miles west of Military

Military Trail (SR 809) was approved as advertised subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.

- E. Condition No. 2 of Zoning Petition No. 77-65 (Resolution No. R-77-672) which states:

"2. Gross density shall not exceed .191 dwelling units per acre."

is hereby deleted.

3. Prior to master plan certification, the master plan shall be amended to indicate the following:
 - a) Required number of trees.
 - b) The correct existing and proposed density calculations in the master plan tabular.

4. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However at a minimum, this development shall retain onsite the first one (1) 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 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 3804.00 per single family dwelling unit under 2,000 square feet and \$1,045.00 per single family home over 2,000 square feet.

6. Complete septic tank application for subdivision analysis shall be filed with the Health Department prior to Subdivision Committee review process.

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

Carol R. Roberts -- absent
Carol J. Elmquist -- RYE
Karen T. Marcus -- Rye
Dorothy Wilken -- Rye
Kenneth M. Adams -- absent

The foregoing resolution was declared duly passed and adopted this 11th day of August, 1987 confirming action of April 24, 1987.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Lisa E. Daisey
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney