

RESOLUTION NO. R-88- 1801

RESOLUTION APPROVING ZONING PETITION NO. 87-131
SPECIAL EXCEPTION PETITION OF G. S. G. ASSOCIATES

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. 87-131 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 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. This proposal is 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. 87-131, the petition of G. S. G. ASSOCIATES, for a SPECIAL EXCEPTION TO FEMIT A PLANNED UNIT DEVELOPMENT, on a parcel of land lying in Tracts 100, 101 and 102, Block 78 of Palm Beach Farms Company Plat No. 3 according to the plat thereof, in Section 19, Township 47 South Range 42 East, as recorded in Plat Book 2, Pages 45 thru 54, inclusive; LESS AND EXCEPT the South 140.00 feet of said Tracts 100, 101 and 102 for Road Right-of-Way purposes, located on the north side of Palmetto Park Road approximately .2 mile east of State Road 7 (US 441), in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. All property included in the legal description of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for: Formation of a single "master" property owner's association, and automatic membership in the "master" association by any party holding title to any portion of the property included in the Planned Unit Development
2. Prior to master plan certification, the master plan shall be amended to indicate the following:
 - a. Areas of existing vegetation to be preserved, specifically the Slash Pine, isolated Cypress and the large 20" Live Oak.
3. The developer shall preserve existing native canopy and understory vegetation within the open space tract and adjacent buffers. In addition, the native canopy and understory vegetation located with the housing and recreation development tracts shall be preserved or relocated and incorporated into the project design as appropriate.
4. Prior to master plan certification, applicant shall amend the master plan to reflect appropriate road right-of-way extended into the parcel to eliminate the need for a variance, subject to approval of the Palm Beach County Engineering Department.
5. 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 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.
6. 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 \$804.00 per single family home under 2,000 square feet and \$1,045.00 per single family home over 2,000 square feet.
7. Since sewer service is available to the property, septic tank shall not be approved for use on the property.

8. Because water service is available to the property, a well shall not be approved for potable water use.
9. No building permits shall be issued for the subject property until Palmetto Park Road has been opened to traffic from Lyons Road to State Road No. 7.
10. The 3.0 acre open space area as designated on the master plan, exhibit No. 18, shall be maintained as a passive recreation area for the homeowners of this petition. In addition, this open space shall provide a visual and physical buffer from surrounding Agricultural Residential and Residential Estate residential development.
11. Prior to issuance of a building permit for the site, the location of construction debris from demolition of previous development on site shall be identified and removed if found to violate County Code or Health Regulations.
12. All native vegetation within the 25 foot buffer shall be preserved and supplemented as necessary with additional native vegetation to comprise a buffer with trees a minimum of 30 feet on center.
13. The petitioner shall install a six (6) foot chain link fence along the eastern property line concurrent with the issuance of the first building permit.

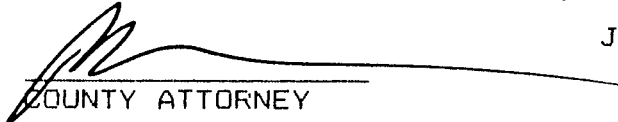
Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Elmquist and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of October, 1988 confirming action of November 30, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


BY:


COUNTY ATTORNEY

FALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

