

RESOLUTION NO. R-89-434

RESOLUTION APPROVING ZONING PETITION NO. 88-20  
SPECIAL EXCEPTION PETITION OF JOHN LOGAN AND ROBERTA D. LIVERS

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. 88-20 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 28, 1988; 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. 88-20 the petition of JOHN LOGAN AND ROBERTA D. LIVERS, by Teresa A. Annunziata, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED RESIDENTIAL DEVELOPMENT on a parcel of land lying at Tract 15, **Less** the South 150.00 feet thereof and **Less** the North 20.00 feet of the West 316.42 feet, Block 16, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 47, in Section 8, Township 44 South, Range 42 East.

Also LESS however, the following specifically described parcel of land:

Begin at the Northeast corner of said Tract 15; thence bear South 00 degrees 00' 00" East along the East line of said Tract 15, a distance of 510.00 feet to a point on the boundary of the Plat of Banyan Lakes, as recorded in Plat Book 31, Pages 184 through 187, thence, South 90 degrees 00' 00" West along said boundary, a distance of 310.00 feet, thence, North 08 degrees 03' 16" East, a distance of 207.04 feet to a point on a curve concave to the Southwest: said curve having a radius of 25.00 feet, a central

angle of 42 degrees 50' 00" and a chord bearing of South 68 degrees 35' 00" East; thence, Southeasterly, along the arc of said curve, a distance of 18.69 feet to the point of reverse curvature of a curve to the left: said curve having a radius of **50.00** feet, a central angle of 200 degrees 46' 38" and a chord bearing of North 32 degrees 26' 41" East; thence Southeasterly, Northeasterly and Northwesterly, along the arc of said curve, a distance of 175.21 feet to the end of said curve: thence, North 22 degrees 03' 22" East, a distance of 246.71 feet to a point on the North line of said Tract 15; thence, North 90 degrees 00' 00" East, along said North line, a distance of 118.58 feet to the POINT OF BEGINNING, being located approximately 175 feet north of 12th Street South and approximately .11 mile south of Dillman Road (Tenth Street South) in a RT-Residential Transitional Zoning District, in part, and a RE-Residential Estate Zoning District, in part, was approved as advertised, subject to the following conditions:

1. 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.
2. The property owner shall provide paved access to the site from Dillman Road to the terminus of the proposed cul-de-sac as a minimum 2-10 foot travel lanes local street standards concurrent with onsite paving and drainage improvements.
3. The property owner shall meet all provisions of Palm Beach County's Subdivision and Platting Ordinance 73-4 as amended.
4. 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 **\$804.00** per approved single family dwelling unit under **2,000** square feet and **\$1,045.00** per approved single family dwelling unit over **2,000** square feet.
5. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order: the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violation of the Palm Beach County

Zoning Code.

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:

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

The foregoing resolution was declared duly passed and adopted this 14th day of March, 1989 confirming action of April 28, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:

Susan Pulley  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY Jina M. Blair  
DEPUTY CLERK

