

RESOLUTION NO. R-89- 759

RESOLUTION APPROVING ZONING PETITION NO. 83-158(B)  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF COHAR, INC.

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. 83-158(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 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, 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 and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 83-158(B), the petition of COHAR, INC., for a MODIFICATION OF COMMISSION REQUIREMENTS, on a parcel of land lying in Tracts 9, 10, 11, 12, 13, and 16, Northeast 1/4 of Section 12 as shown on the amended Plat of Section 12, Township 45 South, Range 42 East, Mary A. Lyman, et. al, as recorded in Plat Book 9, Page 74, EXCEPTING therefrom the East 643.18 feet, as measured at right angles to the East line of said Northeast 1/4.

Tract 3 of the Northeast 1/4 according to the amended plat of Section 12, Township 45 South, Range 42 East, Mary A. Lyman et. al., recorded in Plat Book 9, Page 74 of the public records. LESS HOWEVER, the East 50.00 feet of the South 100.00 feet of that part of Tract 3 of the Northeast 1/4 according to the

amended plat of Section 12, Township 45 South, Range 42 East, Mary A Lyman et al., recorded in Plat Book 9, Page 74, public records, lying within the North 240.00 feet of said Section 12 (All dimensions measured at right angles): and

SUBJECT TO a non-exclusive right-of-way and easement for the purpose of establishing, installing, laying, maintaining and operating telephone and electric power cables and appurtenances therein and for the purpose of vehicular and pedestrian way of access, ingress, egress and regress between Hypoluxo Road on the North and the hereinabove excepted land described above on the South. Such right-of-way and easement being on, in, under, over, through and across the East 20.00 feet of that part of Tract 3 of the Northeast 1/4 according to the amended plat of Section 12, Township 45 South, Range 42 East, Mary A. Lyman et. al., recorded in Plat Book 9, Page 74, lying within the North 140.00 feet of said Section 12. (All dimensions measured at right angles.), located on the south side of Hypoluxo Road, approximately .2 mile east of Military Trail (S.R. 809), in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Petitioner shall comply with all conditions of previous approvals unless expressly modified herein.
2. Condition No. 2 of Resolution No. 84-355 which presently reads as follows:

"The developer shall complete the 4-lane median divided section of Hypoluxo Road from it's present terminus West of Lawrence Road West to a point 200 feet West of the intersection of Hypoluxo Road and Military Trail including the appropriate tapers, per the County Engineer's approval. This construction shall be completed prior to the issuance of 100 building permits, or within 12 months of Special Exception approval whichever shall first occur. Credit shall be applied toward the "Fair Share" impact fees based upon a certified cost estimate for this road construction."

hereby amended to read as follows:

"The property owner shall fund the construction of Hypoluxo Road as a 4-lane median divided section (expandable to 6 lanes) from the existing 4 lane terminus east of Military Trail to a point 200 feet west of the west right of way line of Military Trail plus the appropriate tapers. The amount of funding shall be approved by the County Engineer based upon a certified cost estimate by the developer's engineer. Funding of the roadway shall include cost of Plans, the cost of piping of the Lake Worth Drainage District's Canal adjacent to Hypoluxo Road and all construction

costs. Credit shall be applied toward the "Fair Share" impact fees based upon a certified cost estimate for this road construction and all afore-referenced costs. These monies, or performance security insuring the aforementioned funding, the terms of which are subject to approval by the County Attorney, shall be deposited with the County Engineer prior to March 1, 1988, or prior to the issuance of any further building permits, whichever shall first occur. Once funds are deposited, or the performance security posted, the developer shall not be prohibited from receiving, as a result of this condition, up to a maximum total of 166 building permits until the contract for construction of Hypoluxo Road as a 4-lane median divided section from east of Military Trail to a point 200 feet west of the west right-of-way line of Military Trail, plus the appropriate paved tapers, has been let. Once the contract has been let, this condition shall not prohibit the issuance of additional building permits at the project."

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	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of October 29, 1987.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
COUNTY CLERK