

RESOLUTION NO. R-89-1642

RESOLUTION APPROVING ZONING PETITION NO. 89-47
SPECIAL EXCEPTION PETITION OF
BILL R. WINCHESTER AND ERNEST KLATT

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 have been satisfied; and

WHEREAS, Petition No. 89-47 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 25, 1989: and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-47 the petition of BILL R. WINCHESTER AND ERNEST KLATT, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED RESIDENTIAL DEVELOPMENT on a parcel of land lying on a parcel of land lying in Section 1, Township 45 South, Range 42 East, being that part of the following described tracts lying North of the North right-of-way line of Lake Worth Drainage District Lateral Canal No. 17; Parcel A: The North 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 less 50.00 feet county road right-of-way; South 1/2 of the Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4, less county road right-of-way; all in Section 1, Township 45 South, Range 42 East; Parcel B: The Southwest 1/4 of the Northeast 1/4 of Section 1, Township 45 South, Range 42 East; less however, the North 132.00 feet thereof, the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 1, and the right-of-way for Military Trail (SR 809), subject to easement in favor of Florida Power and Light Company, Official Record Book 1765, Page 782, being located on the east side of Military Trail, approximately .2 mile north of 67th Place South, and bounded on the east by South Guava Lane and the south by Lake Worth Drainage District Canal No. 17, in a RM-Multiple Family Residential Zoning District (Medium Density),

was approved on May 25, 1989, as advertised, subject to the following conditions:

1. Prior to site plan certification, the master/site plan shall be amended to indicate the following:
 - a. The required twenty (20) foot lake maintenance easement along the water management tract.
 - b. Areas of preservation and relocation of native vegetation comprising a minimum of 2.63 acres.
2. The petitioner shall submit, at time of application for Site Plan Review Committee, an aerial photograph of the site indicating areas of preservation and relocation program for native vegetation. The petitioner shall preserve all vegetation, void of prohibited species, as indicated on the master plan. Clearing shall be limited to the minimum possible to construct roads, building pads, retention and parking areas.
3. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
4. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
5. The Developer shall provide discharge control and treatment for 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 stormwater runoff. In the event that the subject site abuts a Florida Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
6. Prior to July 1, 1989, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed the additional right-of-way required for the construction of a right turn lane, south approach on Military Trail at the project's entrance road. This right-of-way shall be a minimum of 12 feet in width and a minimum storage length of 150 feet with a taper length of 180 feet. This right-of-way shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
7. The Property owner shall fund the construction of a separate right turn lane, south approach and a left turn lane, north approach on Military Trail at the project's entrance road. Construction shall be concurrent with the construction of Military Trail 4/6 laning by Palm Beach County. This property owner

shall fund all costs associated with all plan revisions and construction cost.

8. The petitioner 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 **\$562.00** per approved multi-family dwelling unit.
9. In order to comply with the mandatory traffic performance standards the Developer shall **be** restricted to the following phasing schedule:
 - a. Site Plan approval for more than **31** total units shall not be given until construction has begun for Military Trail as a **6** lane section from Old Boynton Road to Lake Worth Road; and,
 - b. **No** further building permits may be issued for the subject site after December **31, 1992**.
10. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance **73-4** as amended.
11. The petitioner shall convey to Lake Worth Drainage District right-of-way for Lateral Canal **No. 17**. The width and location will be determined by a field survey. The north right-of-way line will be approximately thirty-five (**35**) feet north of the north bank of the existing canal. The petitioner shall convey this right-of-way by easement deed or a quit claim deed within ninety (**90**) days of the adoption of the resolution approving this project.
12. Failure to comply with any conditions of approval 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.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--	AYE
Ron Howard	--	AYE
Karen T. Marcus	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of September, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

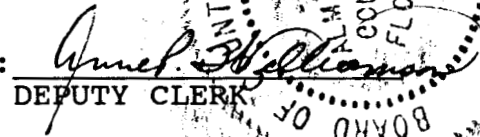
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

