

RESOLUTION NO. R-94-944

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 85-149.3  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-86-132  
WHICH APPROVED THE SPECIAL EXCEPTION OF  
Floriberto Laguna  
PETITION NO. 85-149

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 85-149.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on July 28, 1994; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 85-149.3 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval: 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:
2. The construction required by the deleted conditions has now been completed except for a portion of the sidewalk construction, but not by this developer; and
3. The additional new condition provides for the sidewalk construction.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. SR 85-149.3, to amend Conditions of Approval of Resolution No. R-86-132, the Special Exception of Floriberto Laguna, Petition No. 85-149, confirmed by the adoption of Resolution R-86-132, which granted a Special Exception to allow a Planned Unit Development (Little River Glen) on a parcel of land commencing at a point in the West line of Section 12, Township 45 south, Range 42 East, 904.25 feet North of the Southwest corner of Section 12; thence go in an Easterly direction at an angle of 90 degrees, a distance of approximately 653.00 feet, to a point; thence in a Southerly direction that intersects to a point on the South line of said Section 12, which is a distance of 653.16 feet East of the Southwest corner of said Section 12, to a point; thence Westerly along the South line of

said Section, to the Point of Beginning. Said description being the South 904 feet to the premises that were conveyed by Flor-Eyan, Inc. to Nelson A. Morton and Helen I. Morton, his wife, by deed dated June 27, 1963 in Official Record Book 911, Page 13. Less the West 40 feet thereof for Haverhill Road Right-of-way and less the South 35 feet thereof for Lake Worth Drainage District No. 20 Canal Right-of-way, being located on the east side of Haverhill Road, approximately 0.8 of a mile south of Hypoluxo Road in the RS-Single Family Residential Zoning District, is approved, subject to the following conditions:

1. All previous conditions of approval continue to apply unless expressly modified herein.
2. Condition number 12 of Resolution R-86-132 which states:

The property owner shall provide Palm Beach county with all associated right-of-way documents including but not limited to surveys, property owner's maps, legal descriptions for acquisition, parcelled right-of-way maps, legal descriptions for acquisition, parcelled right-of-way maps, required for the acquisition of any missing right-of-way for Haverhill Road from Le Chalet to project's north property line as an 80 foot section.

Is hereby deleted.

3. Condition number 13 of Resolution R-86-132 which states:

The right-of-way described in Condition No. 12 shall be obtained prior to the recording of the first plat. This property owner shall enter into a written agreement with the Land Acquisition Section concurrent with the improvements for the first plat. This property owner shall fund all required costs.

Is hereby deleted.

4. Condition number 14 of Resolution R-86-132 which states:

The property owner shall construct any remaining unconstructed portion of Haverhill Road as a 2 lane section (30 feet of pavement with curb, gutter, and sidewalk or bike path) from Le Chalet Boulevard north to the project's north property line. This construction shall be concurrent with the filing of the first plat or when required by the County Engineer for paved continuity whichever shall first occur. No credit for the impact fee shall be given for this road construction. This construction shall include ultimate drainage design and cross section to be at the sole discretion of the County Engineer.

Is hereby deleted.

5. Condition number 15 of Resolution R-86-132 which states:

Surety required for the offsite road improvements as outlined in Condition #12, #13, #14 shall be posted with the Office of the County Engineer prior to January 1, 1986.

Is hereby deleted.

6. Condition number 2 of Resolution R-93-145 which currently states:

Prior to June 6, 1993, the property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive outfall

to accommodate the runoff of Haverhill Road along the property frontage and for a minimum 400 foot distance each side of the property boundary lines along Haverhill Road. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements.

Is hereby amended to state:

If required by the County Engineer, the property owner shall convey to Palm Beach County an adequate road drainage easement through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Haverhill Road along the property frontage and for a maximum 400 foot distance each side of the property boundary lines along Haverhill Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer, the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (ENGINEERING)

7. The developer shall construct a pedestrian pathway along Haverhill Road from this project's south property line to the projects north property line subject to approval by the County Engineer. Construction shall commence concurrent with the construction of the paving and drainage improvements for the first plat and shall be completed prior to the issuance of the first building permit. (ENGINEERING/BUILDING)

Commissioner Roberts moved for approval of the Resolution.

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

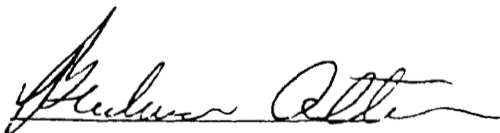
MARY MCCARTY, CHAIR	--	Aye
BURT AARONSON	--	Aye
KEN FOSTER	--	Aye
MAUDE FORD LEE	--	Aye
KAREN T. MARCUS	--	Aye
WARREN H. NEWELL	--	Absent
CAROL ROBERTS	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 28th day of July, 1994.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:



DOROTHY H. WILKEN, CLERK

BY:

*Jina M. Blair*  
DEPUTY CLERK

