

RESOLUTION NO. R- 80-224

RESOLUTION APPROVING ZONING PETITION

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. 80-9 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24 January 1980; 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, the Board of County Commissioners made the following findings of fact:

1. The proposal would not provoke excessive overcrowding or concentration of people or population
2. The proposal would be in harmony and compatible with the present and future development of the area concerned
3. The proposal would promote such distribution of population and such classification of land uses, development and utilization as will tend to facilitate and provide adequate provisions for public requirements, including but not limited to transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility and food supply
4. The proposal would not be disruptive to the character of the neighborhoods or adverse to playgrounds, parks, schools and recreation areas

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 24th day of January, 1980, that Petition No. 80-9 the petition of J. GRANADOS BOCA ASSOCIATES, LTD., and BLUE ASPEN, INC., by Henry Skokowski, Agent, for THE FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on Tracts 97 through 112 inclusive, less the North 433 feet thereof and Tracts 113 through 128 inclusive in Block 74, THE PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof recorded in Plat Book 2, pages 45 through 54, and also Tracts 91 through 101 inclusive, less the North 433 feet thereof, and Tracts 102 through 108 inclusive in Block 75 of said plat of THE PALM BEACH FARMS COMPANY PLAT NO. 3; and also the South 1/4 of the Southeast 1/4 of Section 8, Township 47 South, Range 42 East, less from all of the above the road rights-of-way for Sunshine State Parkway and State Road No. 7. All of the above being in Sections 7, 8, 17 and 18, Township 47 South, Range 42 East. Said property located on the east side of S.R. 7 (U.S. 441), approximately 1.8 mile south of Clint Moore Road (180th Street South) and being bounded on the east by the Sunshine State Parkway, was approved as advertised subject to the following conditions:

1. Petitioner shall convey to Palm Beach County one hundred (100) feet for the right-of-way for Hampton Drive.
2. Petitioner shall construct Hampton Drive to a two-lane section within the property limits.
3. Petitioner shall construct at the intersection of Hampton Drive and the main access road:
 - a. Left turn lane, north approach.
 - b. Left turn lane, south approach.
 - c. Left turn lane, east approach.
 - d. Left turn lane, west approach.
4. Petitioner shall construct at the intersection of Lyons Road and the main access road:
 - a. Left turn lane, north approach.
 - b. Left turn lane, south approach.
 - c. Left turn lane, east approach.
 - d. Left turn lane, west approach.

5. Petitioner shall construct the main access road to an eighty (80) foot section between:
 - a. Hampton Drive and Lyons Road.
 - b. Hampton Drive and the first westerly dedicated intersection.
 - c. Lyons Road and the access drive approximately 1600 ft. to the east.
6. Petitioner shall not be allowed direct access to S.R. 7, unless approved by the County Engineer.
7. Petitioner shall not be allowed direct access to the commercial site from Lyons Road.
8. Petitioner shall coordinate the internal access from the commercial site with the proposed commercial site on Lyons Road in the American Homes Subdivision.
9. Petitioner shall apply for a variance for the cul-de-sac length of the main access drive east of Lyons Road.
10. Petitioner shall contribute One Hundred Seventy-four Thousand Six Hundred Sixty-two Dollars and Fifty Cents (\$174,662.50) for the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s). This Fair Share Traffic Impact contribution has been determined to accordance with the provisions of Ordinance 79-7 as follows:

Single Family and Patio Homes	\$257.37/d.u.
Cluster Homes	193.00/d.u.
Commercial	0.90/sq. ft.

However, regardless of the present or future status of this Ordinance, this development shall be required to provide the above One Hundred Seventy-four Thousand Six Hundred Sixty-two Dollars and Fifty Cents (\$174,662.50) toward alleviating some of its direct and identifiable traffic impact.

11. Petitioner must dedicate the civic site to Palm Beach County, without cost, at the time of the filing of the first plat.
12. The Lake Worth Drainage District will require right-of-way for Lateral Canal No. 44 and Equalizing Canal No. 1 as follows:
 - E-1 The West 45 feet of Tract 113 and the West 45 feet of Tract 112, less the North 433 feet thereof, Block 74, Palm Beach Farms Company Plat No. 3, Plat Book 2, pages 45 to 54 inclusive.
 - L-44 The South 40 feet of the South Quarter (S 1/4) of the Southeast Quarter (SE 1/4) of Section 8, Township 47 South, Range 42 East lying West of the West right-of-way line of the Florida Turnpike.

13. Petitioner shall enter into a formal contract with the School Board of Palm Beach County to contribute four-tenths (4/10) of one percent (1%) of the selling price of each residential dwelling unit in this planned unit development on a one time initial sales basis. However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above 4/10ths of 1% of the initial sales price toward alleviating some of the development's school impact.

Commissioner Gregory, moved for approval of the petition.

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

Dennis Koehler, Chairman	Absent
Frank Foster, Vice Chairman	- Yes
Bill Bailey, Member	Yes
Norman R. Gregory, Member	- Yes
Peggy B. Evatt, Member	Yes

The foregoing resolution was declared duly passed and adopted this 12th day of February, 1980, confirming action of 24 January 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *[Signature]*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney

