

RESOLUTION NO. R-80-677

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. 80-72 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24 April 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 be in harmony ~~and~~ compatible with the present and future development of the area concerned
2. The proposal would prohibit wasteful and excessive scattering of population or settlement

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 24th day of April, 1980, that Petition No. 80-72 the petition of FRANK L. GLUSMAN for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a portion of the Southeast

1/4 of Section 26, Township 47 South, Range 41 East, more particularly described as follows: Bounded on the North by the Westerly prolongation of the South line of Tract 46, Section 25, Township 47 South, Range 41 East, as shown on the plat, FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 2, as recorded in Plat Book 1, page 102; bounded on the East by the East boundary line of said Section 26; bounded on the South by a line parallel with and 990.28 feet North of the South line of said Section 26; and bounded on the West by the East boundary of the BOUNDARY PLAT OF ORIOLE COUNTRY, as recorded in Plat Book 32, pages 175 through 180 inclusive, LESS the North 60.00 feet thereof; ALSO LESS the East 335.00 feet thereof. Said property located on the south side of Oriole Country Road, approximately 1 mile west of U.S. 441 (S.R. 7), was approved as advertised subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet of right-of-way for Markham Way thru the project's limits.
2. Petitioner shall construct Oriole Country Boulevard from the existing four-lane section west four hundred (400) feet through the intersection with Markham Way, as approved by the County Engineer.
3. Petitioner shall construct Markham Way at Oriole Country Boulevard to have one lane entering and two lanes exiting.
4. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet along the western property line for a drainage canal.

5. Petitioner shall contribute Fifteen Thousand Nine Hundred Dollars (\$15,900.00) toward 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 in accordance with the provisions of Ordinance 79-7 as follows:

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| Single Family | \$300.00/d.u. |
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However, regardless of the present or future status of this ordinance, this development shall be required to provide the above Fifteen Thousand Nine Hundred Dollars toward alleviating some of its direct and identifiable traffic impact.

6. 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.
7. Residents shall be allowed to use the recreational facilities of the Boca Heights Planned Unit Development.
8. Developer will exercise appropriate measures during the development of this project to insure that fugitive particulars (dust) do not become a nuisance to neighboring properties.

Commissioner Gregory , moved for approval of the petition.

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

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| Dennis Koehler, Chairman | | No |
| Frank Foster, Vice Chairman | - | Absent |
| Bill Bailey, Member | | Aye |
| Norman R. Gregory, Member | - | Aye |
| Peggy B. Evatt, Member | | Absent |

The foregoing resolution was declared duly passed and adopted
this 20th day of May, 1980 , confirming action of
24 April 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk .

By: *Scott A. Ottom*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Scott A. Ottom
County Attorney

