

RESOLUTION NO. R-80-833

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. 80-78(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29 May 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 prohibit wasteful and excessive scattering of population or settlement
2. The proposal would be consistent with the Comprehensive Land Use Plan
3. The proposal would provide moderate low-cost housing

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day of May, that Petition No. 80-78(A) the petition of THOMAS E. PERRY for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the South 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section

1, Township 45 South, Range 42 East, and the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of said Section 1. Said property located on the east side of Military Trail (S.R. 809), approximately 350 feet south of L.W.D.D. Lateral Canal #16, 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 fifty-three (53) feet from the quarter section line for the ultimate right-of-way for Military Trail.
2. Petitioner shall construct a left turn lane, north approach, on Military Trail at the project's entrance.
3. Petitioner shall contribute Eleven Thousand, Two Hundred Fifty Dollars (\$11,250.00) or Two Hundred Twenty-five Dollars (\$225.00)/dwelling unit 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).
4. 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.
5. The developer will take reasonable precautions during the development of this project to insure that fugitive **particulates** (dust particles) from the project do not become a nuisance to neighboring properties.

Commissioner Koehler, moved for approval of the petition.

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

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

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

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Keith Van Allen*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Charles F. Schock
County Attorney

