

RESOLUTION NO. R-80-1003

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. 80-73 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26 June 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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 23rd day of June, 1980, that Petition No. 80-73 the petition of DAVID R. MacKENZIE for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on all of Section 33, Township 46 South, Range 42 East, subject to all easements, rights-of-way, restrictions and reservations of record. Said property located approximately 450 feet east of Sunshine State Parkway and being bounded on the north by L.W.D.D. Lateral Canal #38, was approved as advertised subject to the following conditions:

Within 30 months from the date of filing of the first plat:

1. Petitioner shall construct at the intersection of Old Clint Moore Road and the project's entrance:
 - a. Right turn lane, north approach
 - b. Left turn lane, north approach
 - c. Right turn lane, east approach
 - d. Left turn lane, west approach.
2. Petitioner shall construct at the intersection of Clint Moore Road and S.R. 7, prior to the issuance of the final 50% Certificates of Occupancy:
 - a. Right turn lane, south approach
 - b. Right turn lane, east approach
 - c. Left turn lane, east approach.
3. Petitioner shall contribute the pro-rata share for the construction at the intersection of Old Clint Moore Road and Military Trail a right turn lane, north approach.
4. Petitioner shall extend on Old Clint Moore Road the left turn lane, west approach, as approved by the County Engineer.
5. Petitioner shall contribute the pro-rata share for the construction at the intersection of Clint Moore Road and S.R. 7 a left turn lane, north approach.
6. Petitioner shall contribute the pro-rata share for the cost of signalization of:
 - a. Old Clint Moore Road and Military Trail
 - b. Clint Moore Road and Military Trail
 - c. Clint Moore Road and S.R. 7when warranted, as determined by the County Engineer.
7. Petitioner shall contribute One Hundred Fifty-eight Thousand, Nine Hundred Twenty-five Dollars (\$158,925.00) or Two Hundred Forty-eight Dollars (\$248.00)/dwelling units 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).
8. 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.
9. 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.

10. The Lake Worth Drainage District will require the North 105 feet of Section 33, Township 46 South, Range 42 East for the right-of-way for Lateral Canal No. 38. We will also require the West 45 feet of said Section 33 for the right-of-way for Equalizing Canal No. 2-E. We would also require the North 95 feet of the South 1/2 of said Section 33 for the required right-of-way for Lateral Canal No. 39 in the event the developer does not complete the terms of the agreement to abandon Lateral Canal No. 39. We would accept all rights-of-way by Quit Claim Deed or an Easement (on our form), whichever the owner prefers.
11. Petitioner must dedicate the civic site to Palm Beach County, without cost, within ninety (90) days of the filing of the first plat.

Commissioner Gregory , moved for approval of the petition.

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

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

The foregoing resolution was declared duly passed and adopted this 29th day of July, 1980 , confirming action of 26 June 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Paul J. ...*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Charles F. Schoach
County Attorney

