

RESOLUTION NO. R-80-1013

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. 80-112 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 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 23rd day of June, 1980, that Petition No. 80-112 the petition of JACK MASON and L. BONAR by Daniel J. O'Brien, Agent, for the REZONING, FROM AG-AGRICULTURAL DISTRICT TO RM-RESIDENTIAL MULTIPLE FAMILY DISTRICT (MEDIUM DENSITY) of the

West 461 feet, as measured at right angles, of the East $\frac{3}{4}$ of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; and the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, less the West 198 feet of the South $\frac{1}{2}$ thereof, TOGETHER WITH the West 193 feet of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; all in Section 13, Township 46 South, Range 42 East. Said property located on the north side of Atlantic Avenue (S.R. 806), approximately .8 mile east of Military Trail (S.R. 809), was approved as amended per the petitioner's request to include a SPECIAL EXCEPTION TO ALLOW A PLANNED RESIDENTIAL DEVELOPMENT, subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County an additional seven (7) feet for the ultimate right-of-way for Atlantic Avenue.
2. Petitioner shall extend nonmountable concrete curb on both sides of the median in front of this project to tie into the existing curbing.
3. Petitioner shall contribute Fifteen Thousand Six Hundred Dollars (\$15,600.00) or Two Hundred Dollars (\$200.00)/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 ($\frac{4}{10}$) 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 $\frac{4}{10}$ ths of 1% of the initial sales price toward alleviating some of the development's school impact.
5. The Lake Worth Drainage District would request the North 70 feet of the West 461 feet, as measured at right angles, of the East $\frac{3}{4}$ of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 13, Township 46 South, Range 42 East, for the required right-of-way for Lateral Canal No. 33. We would accept a Quit Claim Deed or an Easement (on our form), whichever the owner prefers.
6. The subject property shall be limited to seventy-eight (78) units (6 units per acre).

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:

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

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: *Frank Foster*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Charles F. Schoech
County Attorney

