

RESOLUTION NO. R-80- 1251

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. 80-160 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28 August 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 not be disruptive to the character of the neighborhoods or adverse to playgrounds, parks, schools and recreation areas
3. The proposal would not be adverse to the promotion of the public health, safety, comfort, convenience, order, appearance, prosperity or general welfare

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day of August, 1980, that Petition No. 80-160 the petition of D.J. DURDEN by John Ewseychik, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED RESIDENTIAL DEVELOPMENT on Tracts 33 through 36 inclusive; Tract 38, Tracts 47 through 49, inclusive, and the East 80 feet of Tract 51, Block 25, Palm Beach Farms Company Plat No. 3; in Section 19, Township 44 South, Range 42 East, as recorded in Plat Book 2, pages 45 through 54 inclusive; less however the right-of-way for Lake Worth Road. Said property located on the east side of State Road No. 7, being bounded on the north by Lake Worth Drainage District Lateral Canal #11, 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 from centerline for the ultimate right-of-way of Lake Worth Road.
2. Petitioner shall construct on Lake Worth Road at the project's entrance a left turn lane, west approach.
3. Petitioner shall provide a sixty (60) foot access easement from S.R. 7 east to the "not included" ten (10) acre parcel within the PRD.
4. Petitioner shall contribute Twenty-five Thousand Nine Hundred Forty-eight Dollars (\$25,948.00) or Two Hundred Forty-three Dollars (\$243.00)/d.u. 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).
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.
6. The Lake Worth Drainage District will require the North 65.00 feet of Tracts 33 through 35 inclusive, Block 25, Palm Beach Farms Co., Plat No. 3, Plat Book 2, pages 45 through 54 inclusive, for Lateral Canal No. 11 and the West 40.00 feet of Tracts 35, 36 and 49, Block 25 of said Palm Beach Farms Co., Plat No. 3, for Equalizing Canal No. 1. We will accept a Quit Claim Deed or an Easement, on our form, whichever the owner prefers.

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

The foregoing resolution was declared duly passed and adopted this 16th day of September, 1980, confirming action of 28 August 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Ann Ottewill*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Charles F. Schoeck
County Attorney

