

ORIGINAL

RESOLUTION NO. R- 86-573-5

RESOLUTION APPROVING ZONING PETITION 85-71(A), Modification

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. 85-71(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th January 1986; 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. On September 30, 1985, the Board of County Commissioners, regarding the original Zoning Petition 85-71, found that the schools serving the subject petition are currently at or above capacity. In efforts to mitigate the school impact, the petitioner has voluntarily agreed to participate in the School Site Acquisition Plan. Petitioner shall voluntarily provide to the School Board of Palm Beach County \$250.00 for each of the dwelling units in the subject development. These funds shall be used by the School Board of Palm Beach County for school site acquisition and/or site related improvements, to alleviate schools serving the area of Palm Beach County in which the PUD is located.
3. Petitioner shall enter into formal agreement with the School Board of Palm Beach County to assure timely payment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 30th of January 1986, that Petition No. 85-71(A) the petition of WOODS WALK ASSOCIATES, LTD., By Richard Pines, President,

to MODIFY THE FOLLOWING SPECIAL CONDITIONS PLACED ON ZONING PETITION NO. 85-71, APPROVED SEPTEMBER 30, 1985:

CONDITION NO. 9 STATES:

9. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$49,084.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds are to be paid prior to the issuance of a Building Permit or by December 1, 1985 whichever shall occur first.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount shall be credited toward the increased Fair Share Fee.

REQUEST: MODIFY CONDITION NO. 9 TO READ:

9. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$49,084.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds are to be paid prior to the issuance of a Building Permit or by December 1, 1986, whichever shall come first.

CONDITION NO. 14 STATES:

14. Density shall be limited to 2.0 units per acre.

REQUEST: MODIFY CONDITION NO. 14 TO READ:

14. Density shall be limited to 2.75 units per acre.

Said property located on the north side of Lake Worth Road, approximately .2 mile east of S.R. 7 (U.S. Hwy 441), and being bounded on the north by the L-11 Lake Worth Drainage District Canal in an RTS-Residential Transitional Suburban District was approved as advertised subject to the following conditions:

1. The conditions of the preceding approval shall remain in effect unless superseded or amended herein.

2. Condition No. 9 which states:

"9. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$49,084.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds are to be paid prior to the issuance of a Building Permit or by December 1, 1985 whichever shall occur first.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount shall be credited toward the increased Fair Share Fee."

is hereby amended to state:

"9. Impact fee and additional funding for this proposed project shall be based upon the Master Plan submitted for certification.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount shall be credited toward the increased Fair Share Fee."

3. Condition No. 14 which states:

"14. Density shall be limited to 2.0 units per acre."

is hereby amended to state:

"14. Density shall be limited to 2.50 units per acre."

Commissioner Owens, moved for approval of the petition. The motion was seconded by Commissioner Spillias, and upon being put to a vote, the vote was as follows:

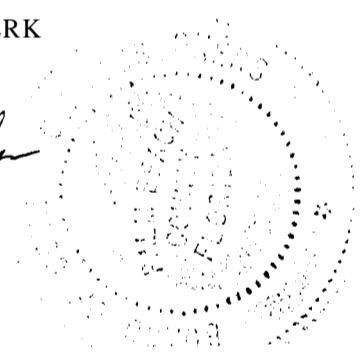
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Dorothy Wilken, Member	--	OPPOSED
Kenneth M. Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 22nd day of April, 1986 confirming action of the 30th January 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Barbara O'Leary
County Attorney