

RESOLUTION NO. R-88767

RESOLUTION APPROVING ZONING PETITION NO. 88-48
SPECIAL EXCEPTION PETITION OF
THE BOARD OF COUNTY COMMISSIONERS

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. 88-48 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 29, 1988; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-48 the petition of THE BOARD OF COUNTY COMMISSIONERS, BY CAROL A. ROBERTS, CHAIR, FOR A SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT, INCLUDING A CHILD DAY CARE CENTER, (WHICH EXTINGUISHES THE SPECIAL EXCEPTION FOR A PLANNED UNIT DEVELOPMENT AND CHILD DAY CARE CENTER, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 87-55, RESOLUTION NO. R-87-1197) on a parcel of land lying in a portion of Section 6, Township 44 South, Range 37 East, being more particularly described as follows:

Commencing at the Southwest corner of said Section 6; thence North 89°42'59" East, along the South line of said Section 6, a distance of 2636.96 feet to the Southeast corner of the Southwest 1/4 of said Section 6; thence North 01°24'30" East, along the

North-South 1/4 line of said Section 6, a distance of 27.01 feet; thence North 89°45'00" East, a distance of 24.48 feet to the Point of Beginning of this description; thence North 00°54'35" East, a distance of 599.69 feet; thence North 89°42'59" East, a distance of 201.73 feet; thence North 01°24'02" East, a distance of 1097.67 feet; thence North 89°42'59" East, a distance of 1097.67 feet; thence South 01°24'02" West, a distance of 855.48 feet; thence South 77°30'00" West, a distance of 429.18 feet; thence South 01°00'00" East, a distance of 222.60 feet to the Point of Curvature of a circular curve to the right; thence Southerly and Westerly, along the arc of said curve, having a radius of 240.00 feet, an arc distance of 387.05 feet to the Point of Tangency; thence North 88°35'58" West, a distance of 224.69 feet to the Point of Curvature of a circular curve to the left; thence Westerly and Southerly, along the arc of said curve, having a radius of 165.00 feet, an arc distance of 263.93 feet, to the Point of Tangency; thence South 00°15'00" East, a distance of 102.28 feet; thence South 45°15'00" East, a distance of 35.36 feet; thence South 89°45'00" West, along a line parallel with and 27.00 feet North of, as measured at right angles to, the South line of said Section 6, a distance of 285.78 feet to the Point of Beginning;

Together with a portion of Section 6, Township 44 South, Range 37 East, being more particularly described as follows:

Commencing at the Southwest corner of said Section 6; thence North 89°42'59" East, along the South line of said Section 6, a distance of 2636.96 feet to the Southeast corner of the Southwest 1/4 of said Section 6; thence North 01°24'30" East, along the North-South 1/4 line of said Section 6, a distance of 27.01 feet; thence North 89°45'00" East, a distance of 310.26 feet to the Point of Beginning of this description; thence continue North 89°45'00" East, a distance of 714.55 feet to the Point of Curvature of a circular curve to the left; thence Easterly and Northerly, along the arc of said curve, having a radius of 1829.86 feet, an arc distance of 190.13 feet; thence North 00°06'12" West, a distance of 51.06 feet to a point on the arc of a circular curve to the left, whose radius point bears North 00°06'12" West, from the last described point; thence Easterly and Northerly, along the arc of said curve, having a radius of 1332.69 feet, an arc distance of 105.94 feet; thence North 01°24'02" East, a distance of 777.88 feet; thence South 77°30'00" West, a distance of 429.18 feet; thence South 01°00'00" East, a distance of 222.60 feet to the Point of Curvature of a circular curve to the right; thence Southerly and Westerly, along the arc of said curve, having a radius of 240.00 feet, an arc distance of 387.05 feet to the Point of Tangency; thence North 88°35'58" West, a distance of 224.69 feet to the Point of Curvature of a circular curve to the left; thence Westerly and Southerly, along the arc of said curve, having a radius of 165.00 feet, an arc distance of 263.93 feet to the Point of Tangency; thence South 00°15'00" East, a distance of 102.28 feet; thence South 45°15'00"

East, a distance of 35.36 feet to the Point of Beginning; being located on the north side of State Road 80, approximately .5 mile east of State Road 715, in a RM-Multiple Family Residential Zoning District (Medium Density), was approved as advertised, subject to the following conditions:

1. Prior to certification, the master plan shall be amended to indicate the following:
 - a. Housing categories pursuant to Section 402.7;
 - b. Points of access to all internal development pods
 - c. Acreage of day care parcel;
 - d. Corrected southern property line dimension;
 - e. Southwestern limits of Planned Unit Development;
 - f. Twenty five (25) foot buffer along the southwestern property line;
 - g. Access dimensions for internal road system;
 - h. Ultimate right of way dimension for existing canal;
 - i. Open space calculations pursuant to Section 500.21;
 - j. Twenty foot lake maintenance easement for all required retention lakes;
 - k. Clarification that the westernmost 19.73 acre development pod will have continuous access to the east and south.
2. The petitioner shall amend the master plan to delete all references to the twelve (12) acre commercial site located to the west.
3. Prior to master plan certification, the petitioner shall submit a completed vegetation application.
4. The proposed access road shall not be maintained by Palm Beach County.
5. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

7. Prior to recording the first plat the petitioner shall develop a minimum of 5.6 acres of on-site recreational area or provide documentation that substantiates the proposed development of recreational facilities that meet or exceed the cash value equivalency of 5.6 acres of land at this site. This documentation shall be subject to approval by the Director of Parks and Recreation Department and submitted to the Zoning Division to become part of the permanent record.

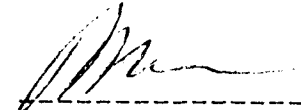
Commissioner Adams, moved for approval of the petition. The motion was seconded by Commissioner Wilken, and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Absent
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this ___7th day of June_____, 1988 confirming action of April 29, 1988

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:




COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:



DEPUTY CLERK