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RESOLUTION NO. R-88-1203

RESOLUTION APPROVING ZONING PETITION NO. 85-71(C)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF BMC DEVELOPMENT AT WOODSWALK, INC.

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(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 23, 1987; 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 and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 85-71(C), the petition of BMC DEVELOPMENT AT WOODSWALK, INC., for a MODIFICATION OF COMMISSION REQUIREMENTS TO AMEND/DELETE CERTAIN CONDITIONS PLACED ON ZONING PETITION NO. 85-71 ON SEPTEMBER 30, 1985 (R-85-1957 ADOPTED DECEMBER 3, 1985), on the following parcels of land:

"PARCEL A"

A parcel of land situated in Block 25 of "PALM BEACH FARMS COMPANY PLAT NO. 3", as recorded in Plat Book 2, Pages 45 through 54, said parcel being a portion of Tracts 33-38 inclusive and Tracts 47-49 inclusive and Tract 51 all of said Block 25, also being situated in Sections 19 and 30, Township 44 South, Range 42

East, and being more particularly described as follows:

Beginning at the Southwest Corner of Tract 47 of said Block 25; thence North 90 degrees 00' 00" East, along the South line of said Tract 47 and also along the perimeter of Cypress Trails, P.U.D., as recorded in Plat Book 42, Pages 28-30, a distance of 675.00 feet to a point on the centerline of an abandoned Palm Beach Farms Right-of-Way being 30.00 feet in width; thence North 00 degrees 00' 00" East, along said centerline and running along a line 15.00 feet West of and parallel with the perimeter of said Cypress Trails, and also 15.00 feet east of and parallel with the East line of Tracts 47, 38 & 33 of said Block 25, a distance of 1945.00 feet to the Southerly Right-of-Way line of the Lake Worth Drainage District Lateral Canal No. L-11, as recorded in Official Record Book 3716, Page 689; thence North 90 degrees 00' 00" West, along said Southerly Right-of-Way line and along a line 65.00 feet South of and parallel with the North line of Tracts 33, 34 & 35 of said Block 25, a distance of 1972.06 feet to the Easterly Right-of-Way of the Lake Worth Drainage District Equalizing Canal No. E-1 as recorded in Official Record Book 3716, Page 689; thence South 02 degrees 56' 32" West, along a line 40.00 feet East of and parallel with the West line of Tracts 35, 36 & 49 of said Block 25, a distance of 1708.06 feet; thence North 89 degrees 59' 00" East, departing said parallel line, a distance of 1042.63 feet; thence South 00 degrees 01' 00" East a distance of 843.70 feet; thence North 89 degrees 59' 00" East, along the existing North Right-of-Way line of Lake Worth Road and along a line 50.00 feet North of and parallel with the centerline of said Lake Worth Road, a distance of 341.85 feet; thence North 00 degrees 00' 00" East a distance of 604.11 feet to the Point of Beginning.

"PARCEL B"

A parcel of land situated in Block 25 of "PALM BEACH FARMS COMPANY PLAT NO. 3", as recorded in Plat Book 2, Pages 45 through 54, said parcel being a portion of Tracts 48-51 inclusive of said Block 25, also being situated in Section 30, Township 44 South, Range 42 East, being more particularly described as follows:

Beginning at the Northwest corner of Tract 50 of said Block 25; thence North 90 degrees 00' 00" East, along the North line of said Tract 50, a distance of 40.05 feet to the Easterly Right-of-Way line of the Lake Worth Drainage District Equalizing Canal No. E-1 as recorded in Official Record Book 3716, Page 689; thence North 02 degrees 56' 32" East, along said Easterly Right-of-Way line, a distance of 239.51 feet; thence North 89 degrees 59' 00" East, departing from said Right-of-Way line, a distance of 1042.63 feet; thence South 00 degrees 01' 00" East a distance of 843.70 feet to the Northerly Right-of-Way line of Lake Worth Road;

thence South 89 degrees 59' 00" West, along said Northerly Right-of-Way line and along a line 50.00 feet North of and parallel with the centerline of said Lake Worth Road, a distance of 1126.30 feet to the West line of said Tract 50; thence North 02 degrees 56' 32" East a distance of 605.33 feet to the Point of Beginning.

The property is located on the North side of Lake Worth Road, approximately .2 miles east of U. S. Highway 441 (SR 7) and is bounded on the north by L-11 Lake Worth Drainage District Canal in an RTS-Residential Transitional Suburban Zoning District, was approved as advertised, subject to the following conditions:

1. Petitioner shall comply with conditions of previous approvals unless expressly modified herein.

2. Condition No. 1 of Zoning Petition No 85-71 which states:

"1. Prior to site plan certification the site plan shall be amended to reflect the following:

- a) Specification of recreation and park amenities.
- b) Provision for a 20 foot maintenance berm around the lake system.
- c) Delineation of significant vegetative areas throughout the development with acreage figures and approximate dimensions."

is hereby amended to read as follows:

"1. Prior to site plan certification the site plan shall be amended to reflect the following:

- a) Specification of recreation and park amenities.
- b) Provision for a 20 foot maintenance berm around the lake system.
- c) Provision for a pedestrian system from the property subject to the proposed commercial area.
- d) Delineation of significant vegetative areas throughout the development with acreage figures and approximate dimensions."

3. The developer shall construct 4-foot wide concrete sidewalks within all street right-of-ways.

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

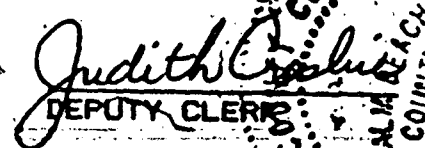
Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

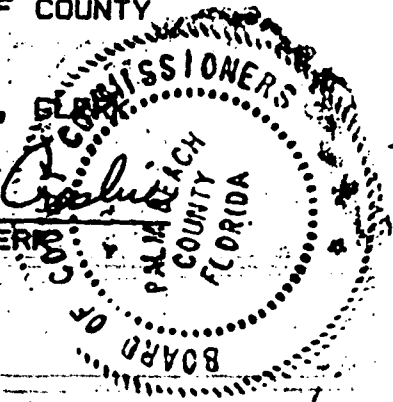
The foregoing resolution was declared duly passed and adopted this 9th day of August, 1988 confirming action of July 23, 1987.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: 
COUNTY ATTORNEY

JOHN B. DUNKLE, COMMISSIONERS
BY: 
DEPUTY CLERK



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