

RESOLUTION NO. R-2000- 1947

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 85-1 15  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-86- 112  
WHICH APPROVED THE SPECIAL EXCEPTION OF  
JOHN E. CORBALLY, JAMES FURMAN AND DAVID M. MURDOCH  
PETITION NO. 85-1 15

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 85-1 15 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on November 30, 2000; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 85- 115 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The current development order for this property (Resolution No. R-86-1 12) would permit a density of eight dwelling units per acre.
2. Eight dwelling units per acre is not consistent with the Unified Land Development Code which permits a standard density of only six dwelling units per acre.
3. The special exception does not meet design objectives and exemplary requirements of the ULDC.
4. The project does not meet the Countywide Traffic Performance Standards.
5. There is no approved concurrency for the project.
6. The property owner has not commenced development in over fourteen years since the development order was approved in February 1986.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. SR 85- 115, to amend Conditions of Approval of Resolution No. R-86- 112, the Special Exception of John E. Corbally, James Furman and David M. Murdoch, Petition No. 85-1 15, which approved a Special Exception for a Planned Residential Development on a parcel of land in Section

35, Township 42 South, Range 42 East, being more particularly described as follows: the West 500 feet of the East 590 feet of the South 3026 feet of the East ½ of said Section 35, being located on the west side of Haverhill Road, approximately 0.3 of a mile south of Dyer Boulevard (68th Road North) in the RM-Multiple Family (Medium Density) Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number 12 of Resolution R-86- 112 which currently states:

Based on the Traffic Performance Standards, the Developer shall contribute \$38,693.00 toward Palm Beach County's existing Roadway Improvement Program this \$38,693.00 to be paid prior to issuance of the first building permit.

Is hereby deleted.

(Reason: Impact fees are Code requirement)

3. Prior to the issuance of a building permit, a site plan shall be certified which:
  - a. Limits the number of dwelling units to six (6) per acre, and
  - b. Meets the current requirements of the Unified Land Development Code. (BLDG PERMIT: MONITORING - Zoning)

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:


WARREN H. NEWELL, CHAIRMAN	—	Aye
CAROL A. ROBERTS, VICE CHAIR	—	Absent
BURT AARONSON	—	Aye
ADDIE GREENE	—	Aye
KAREN T. MARCUS	—	Aye
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 30 day of November, 2000.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK  
BY:   
DEPUTY CLERK

