

RESOLUTION NO. R-89- 340

RESOLUTION APPROVING ZONING PETITION NO. 86-104(A)
SPECIAL EXCEPTION PETITION OF STRAZZULA BROTHERS COMPANY

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. 86-104(A), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 2, 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. 86-104(A), the petition of STRAZZULA BROTHERS COMPANY, by Russell C. Scott, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR SUNDIAL COUNTRY CLUB PLANNED UNIT DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 86-104 ON OCTOBER 23, 1986, (RESOLUTION NO. R-87429 ADOPTED ON MARCH 24, 1987) TO CHANGE THE HOUSING CATEGORY ON PARCELS A THRU M FROM CATEGORY A TO CATEGORY B on a parcel of land lying in all of Section 25, Township 44 South, Range 41 East, LESS the right-of-way for State Highway No. 7, as recorded in Road Book 1, Pages 40 and 43, and LESS the North 75.00 feet thereof and the South 75.00 feet thereof for rights-of-way to Acme Improvement District, as recorded in Deed Book 1081, Page 623, and LESS the following described parcel of land:

Commencing at the Northeast corner of said Section 25; thence, North 88 degrees 02' 48" West, along the North line of said Section 25, a distance of 182.38 feet; thence, South 01 degrees 42' 43" West, along the ultimate right-of-way line for State Road No. 7 (being 200.00 feet West of and parallel with the existing West face of the Guard Rail), a distance of 75.00 feet to the POINT OF BEGINNING; thence, continue South 01 degrees 42' 43" West, along said ultimate right-of-way line, a distance of 1239.93 feet; thence, South 89 degrees 01' 58" West, along the proposed North right-of-way line for Lake Worth Road Extension, a distance of 305.96 feet; thence, South 88 degrees 27' 35" West, along said proposed North right-of-way line, a distance of 400.02 feet; thence, South 89 degrees 01' 58" West, continue along said proposed North right-of-way line, a distance of 129.73 feet; thence, North 01 degrees 42' 43" East, departing said proposed North right-of-way line, a distance of 1286.51 feet; thence, South 88 degrees 02' 48" East, along a line 75.00 feet South of, as measured at right angles to, the North line of said Section 25, a distance of 834.59 feet to the POINT OF BEGINNING, located on the west side of U.S. 441 (S.R. 7), bounded on the south by Lake Worth Drainage District Canal No. 7 and 50th Street South, in a RTS-Residential Transitional Suburban Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. The petitioner shall submit documentation verifying the quality and size of all cypress areas on site prior to Master Plan certification. The elimination of certain cypress areas as indicated on Exhibit No. 23 (current approved Master Plan) shall be substantiated with a vegetation analysis statement for each area. This statement shall outline the quality and types of vegetation. This statement shall include information which indicates why certain cypress stands are not viable.
3. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
4. Because water service is available to the property, a well shall not be approved for potable water use.
5. The property owner shall make all prospective home buyers aware of the existence of Lake Worth Road as a major roadway presently proposed to be constructed to University Expressway to the west at some time in the future.

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

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of March 2, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

