

RESOLUTION NO. R-89- 712

RESOLUTION APPROVING ZONING PETITION NO. 87-92(A)
SPECIAL EXCEPTION PETITION OF ORIOLE HOMES CORPORATION

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. 87-92(a) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 25, 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. 87-92(A) the petition of ORIOLE HOMES CORPORATION, by Martin Perry, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR BOYNTON WEST PUD TO: 1] DELETE THE GOLF COURSE; 2] RELOCATE RECREATION AREA; AND 3] DELETE ACREAGE on a parcel of land beginning at Parcel A: Tract 17, less the North 110.00 feet and less the West 55.00 feet thereof; Tracts 18 through 32, inclusive, less the North 110.00 feet thereof; Tracts 33 to 47 inclusive; Tract 48, less the West 55 feet thereof; Tracts 59 to 70, inclusive; and Tracts 91 to 102, inclusive, Block 49, The Palm Beach Farms Company, Plat NO.3 in Section 21, Township 45 South, Range 42 East, recorded in Plat Book 2, Page 45.

Parcel B:

The West 1/2 of that certain 50 feet wide road Right-of-way lying

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Westerly of Tracts 23, 24, 39, 40, 55 and 56 and the Southerly extension of the West line of said Tract 24 to Tract 39 and the Southerly extension of the West line of said Tract 40 to Tract 55 of Block 48 and lying Easterly of Tracts 32, 33, 64, 66, 96 and 97 and the Southerly extension of the East line of said Tract 33 to Tract 64 and the Southerly extension of the East line of said Tract 65 to Tract 96 of Block 49 of Palm Beach Farms Company, Plat No. 3, recorded in Plat Book 2, Pages 45 through 54 inclusive in Section 21, Township 45 South, Range 42 East, less the North 110.00 feet thereof being the Lake Worth Drainage District Right-of-way for Boynton Canal.

Parcel C:

The East 1/2 of that certain 50 feet wide road Right-of-way lying Westerly of Tracts 39, 40 and 55 and the Southerly extension of the West line of said Tract 40 to Tract 55 of Block 48 and lying Easterly of Tracts 64, 65 and 96 and the Southerly extension of the East line of said Tract 65 to Tract 96 of Block 49 in Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, Page 45 to 54 in Section 21, Township 45 South, Range 42 East and lying Southerly of the Westerly extension of the North line of the lands conveyed to Levitt Homes, Inc., by deed recorded in Official Records Book 4135, Page 1013.

Parcel D:

That certain 30 feet wide road Right-of-way lying Southerly of Tracts 65, 66, 67, 68, 69 and 70 and lying Northerly of Tracts 91, 92, 93, 94, 95 and 96 in Block 49 of Palm Beach Farms Company, Plat No. 3 as recorded in Plat Book 2, Pages 45 through 54, Section 21, Township 45 South, Range 42 East.

Parcel E:

That certain 30 feet wide road Right-of-way lying Southerly of Tracts 33, 34, 35, 36, 37 and 38 and lying Northerly of Tracts 59, 60, 61, 62, 63, 64 in Block 49 in Palm Beach Farms Company, Plat No. 3 as recorded in Plat Book 2, Pages 45 through 54, Section 21, Township 45 South, Range 42 East.

Parcel F:

The North 1/2 that certain 30 feet wide road Right-of-way lying Southerly of Tracts 39, 40, 41, 42, 43, 44, 45, 46 and 47 and Tract 48, less the West 55.00 feet thereof and Southerly of the Westerly extension of the South line of Tract 40 to Tract 41 and lying Northerly of Tract 49, less the Westerly 55.00 feet thereof, Tracts 50, 51, 52, 53, 54, 55, 56, 57 and Tract 58 and Northerly of the Easterly extension of the North line of Tract 56 to Tract 57 all in Block 49 of the Palm Beach Farms Company, Plat No. 3 as recorded in Plat Book 2, Pages 45 through 54 inclusive in Section 21, Township 45 South, Range 42 East, being located on the north side of Boynton West Road (SR 809), approximately .5

mile west of Jog Road. It is bounded on the west side by Lake Worth Drainage District Canal No. E-2E and on the north side by the Boynton Canal Right-of-way, in a RS-Single Family Residential Zoning District, in part, and a RTS-Residential Transitional Suburban Zoning District, in part, was approved as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. Prior to certification, the master plan shall be amended to indicate the following conditions:
 - a. Required access points and right-of-way service for Development Pods H and F.
 - b. Revised open space tabular information that is cross referenced to Section 500.21.J., subsections 1 through 11. The petitioner shall clearly indicate on the master plan how the open space calculations have been derived.
3. Prior to master plan certification the petitioner shall indicate all viable wetland areas, specifically the area located in the western one-third (1/3) of the site adjacent to the southern property line.
4. The developer shall preserve all existing native vegetation, and shall incorporate the vegetation into the project design. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to Master Plan Certification.
5. In the event that the strip of land along the eastern boundary of the planned unit development, which is deleted from the planned unit development by this approval, is abandoned as a road, petitioner shall apply to amend the planned unit development's master plan to add to the planned unit development that portion received as a result of the abandonment. In the event of such abandonment, the homeowners association shall maintain the area received as a buffer and the homeowners association's documents shall so provide.
6. The property owner shall provide Palm Beach County Engineering Department with an approved alignment map for Hagen Ranch Road from within **this** development's boundaries which shall be satisfactory to the County Engineer. The alignment shall meet County procedures for public hearings. This alignment map shall be completed prior to February 1, 1989, or prior to site plan approval for Parcels J, K, N, and L. Right-of-way dedication from this project for Hagen Ranch Road shall

be in accordance with this approved alignment map. This alignment map furnished to the County Engineer shall be suitable for recordation.

7. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Watt 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
Jim Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of August-25, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

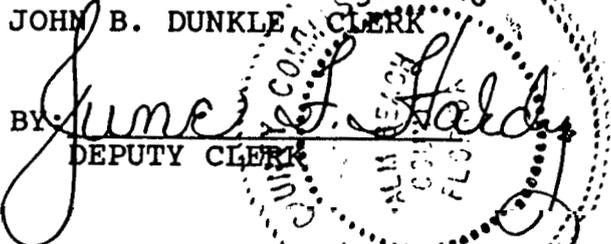
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

