

RESOLUTION NO. R-89-1080

RESOLUTION APPROVING ZONING PETITION NO. 80-73(C)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF ST. ANDREWS DEVELOPMENT OF BOCA RATON

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. 80-73(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 28, 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 and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 80-73(C), the petition of ST. ANDREWS DEVELOPMENT OF BOCA RATON, by David L. Carpenter, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying at the Southeast corner of said Section 33, Township 46 South, Range 42 East: thence South 89 degrees 34' 01" West along the South line of said Section 33, a distance of 1500.32 feet: thence North 00 degrees 25' 59" West, a distance of 65.00 feet: thence North 54 degrees 00' 00" East, a distance of 798.48 feet: thence North 89 degrees 34' 01" East, a distance of 847.03 feet to the East line of said Section 33: thence South 00 degrees 50' 30" East along said East line, a distance of 529.45 feet to the Point of Beginning, being located on the north side of Clint Moore Road, approximately .5 mile west of Carter Road, being bounded on the west by Florida's Turnpike (Sunshine State Parkway), in a RE-Residential Estate Zoning District, in part, and a RT-Residential Transitional Zoning District, in part, 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. Condition No. 11 of Zoning Petition No. 80-73, Zoning Resolution No. R-80-1003, which currently states:

"11. Petitioner must dedicate the civic site to Palm Beach County, without cost, within ninety (90) days of the filing of the first plat".

Is hereby amended to read as follows:

The petitioner may exchange the required on-site dedication of land for civic uses either for; 1) a parcel of land off site, acceptable to the county, equal in acreage; or 2) cash of equal value. The value of the site shall be determined by appraisal, acceptable to the county based upon its value as a civic site. This off site acreage or cash contribution shall be used to offset the identifiable impacts directly attributable to this project.

In the event that the off site land dedication is of less cash value than the on-site dedication, the petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications.

The off-site land or cash contribution shall be coordinated and accepted by the Palm Beach County Department of Real Property Management and shall be approved by the Board of County Commissioners. Once this approval is obtained the petitioner shall be deemed to have satisfied the intent of the Zoning Code, Section 500.21.H (Minimum Land Area Requirements).

3. Future Board of County Commissioner's approval shall be required to change the land use designation of the civic tract.
4. Prior to site plan approval, the Petitioner shall dedicate to the Lake Worth Drainage District the required north 105 feet of Section 33, Township 46 South, Range 42 East for the right-of-way for Lateral Canal No. 38; together with the west 45 feet of said Section 33 for the right-of-way for Equalizing Canal No. 2-E; together with the north 95 feet of the south half (S 1/2) of said Section 33 for the required right-of-way for Lateral Canal No. 39, in the event the developer does not complete the terms of the agreement to abandon Lateral Canal No. 39, all by way of Quit Claim Deeds or Easement Deeds.
5. 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 Roberts moved for approval of the petition. The motion was seconded by Commissioner Howard and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Nay

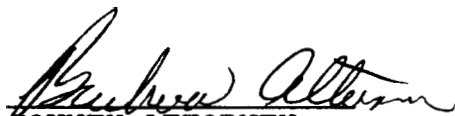
The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of November 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

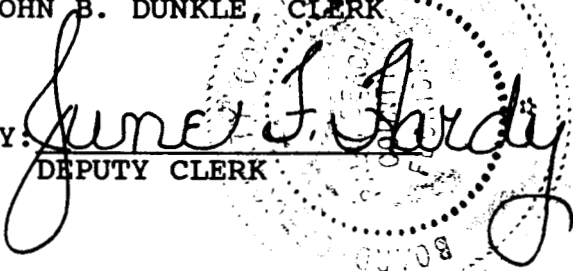
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


COUNTY ATTORNEY

BY:


DEPUTY CLERK