

RESOLUTION NO. R-90- 516

RESOLUTION APPROVING ZONING PETITION NO. 73-85(D)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF MARKBOROUGH FLORIDA, 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 have been satisfied; and

WHEREAS, Petition No. 73-85(D) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 31, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 73-85(D), the petition of MARKBOROUGH FLORIDA, INC. for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying in Lots 7, 13, 21 through 23, inclusive, 32 through 77, inclusive, Block 1, and Lots 14 through 19, inclusive, 21 through 24, inclusive, 26 through 48, inclusive, Block 2, Encantada, according to the Plat thereof, recorded in Plat Book 46, Page 104. Also: Tract "Y-2", Tract "R", and Tract "S-1", Boca Pointe No.3, according to the Plat thereof, recorded in Plat Book 46, Page 123. Also: Tract "D", Boca Pointe NO. 4, according to the Plat thereof, recorded in Plat Book 43, Page 194, lying in Sections 27 and 34, Township 47 South, Range 42 East, being located on the north and south sides of Southwest 18th Street and on the east and west sides of Powerline Road, in the RS-Residential Single Family Zoning District, was approved on August 31, 1989 as advertised, subject to the following conditions:

1. All previous conditions shall be complied with, unless modified herein.
2. Tract R shall be limited to 35 category "A" dwelling units.

3. Condition No. 3 of Petition 73-85(B), which states:

"3. The petitioner may exchange the on-site dedication of land for civic uses, either by conveying fee simple title or a parcel of land off-site equal in acreage or cash of equal value. In addition, in the event that the off-site land dedication is of less cash value than the on-site dedication, 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 value of the land shall be based upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, the petition shall be deemed to have satisfied the intent of Zoning Code, Section 500.21.H."

shall be modified to state:

"The petitioner shall be released from, and shall be deemed to have satisfied the intent of, Zoning Code, Section 500.21.H by paying to Palm Beach County, a fair market cash contribution for said release."

The value for this release shall be determined by the Department of Property and Real Estate Management, and be approved and accepted by the Board of County Commissioners prior to master plan certification.

4. Condition No. 16 of Petition 73-85(B), which states:

"16. The Planned Unit Development shall be limited to 4,659 dwelling units."

shall be modified to state:

" The Planned Unit Development shall be limited to 4,677 dwelling units."

Commissioner Phillips moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	Aye
Ron Howard	--	Aye
Karen T. Marcus	--	Absent
Carole Phillips	--	Aye
Carol Roberts	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of March, 1990.

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

