

29/43/42

RESOLUTION NO. R-91- 253

RESOLUTION APPROVING ZONING PETITION NO. 73-219(C)
SPECIAL EXCEPTION PETITION OF
BREAKERS WEST DEVELOPMENT CORPORATION
BY RUSSELL C. SCOTT, AGENT

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. 73-219(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 27, 1990; 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 Plan 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. 73-219(C), the petition of BREAKERS WEST DEVELOPMENT CORPORATION, BY RUSSELL C. SCOTT, AGENT, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR BREAKERS WEST PLANNED UNIT DEVELOPMENT TO TRANSFER UNITS FROM POD A TO POD Q, AND INCREASE DENSITY on a parcel of land described as follows: less a portion of the west 1/2 of the aforementioned lot 5 of block 1, "Palm Beach Farms Co. Plat No. 9" described as follows: Commencing at the southwest corner of "Breakers West Plat No. 1". As shown in Plat Book 32, page 83, said corner being also the southeast corner of the aforesaid west 1/2 of lot 5, block 1, "Palm Beach Farms Plat No. 9". Thence along the west line of said "Breakers West Plat No. 1". north 00 degrees 29' 50" east. A distance of 239.00 feet to the Point of Beginning. From the Point of Beginning: Thence north 89 degrees 35' 00" west. A distance of 135.02 feet; thence south 00 degrees 32' 03" west. A distance of 239.83 feet to the south line of the aforesaid lot 5, block 1, "Palm Beach Farms Co. Plat No. 9": Thence north 89 degrees 56' 07" east along said south line of lot 5. A distance of 175.18 feet to the south corner of said lot 5; thence north 00 degrees 34' 14" east along the west line of said lot 5. A distance of 602.83 feet; thence S 88 degrees 59' 00" east. A distance of 309.58 feet to the west line of the aforesaid "Breakers West Plat No.1"; thence

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south 00 degrees 29' 50" west along said line of said "Breakers West Plat No. 1". A distance of 358.68 feet to the Point of Beginning. Less, the right-of-way for Rubin Road (Sansbury's Way). As described in right-of-way warranty deed recorded in official record book 2615 at page 510. Less, that portion of parcel a lying in the Lake Worth Drainage District Canal right-of-ways as described in quit claim deed recorded in official record book 2698 page 1825 and right of way reservation recorded in official record book 1994 described as follows: The north 70 feet of lots 4, 5, 6, and 7, and the north 70 feet of the platted road right-of-way lying between said lots 6 and 7, of block 1 of "Palm Beach farms Co. Plat No. 9", as shown in plat book 5 at page 58, and the south 75 feet of lots 12 and 13 of block 1 of "Palm Beach Farms Co. Plat No. 3", in plat book 2 pages 45 through 54. Less, the additional right-of-way for Sansbury's way as described in official record book 4723 at page 1638. Less a portion of the west 1/2 of the aforementioned lot 5 of block 1, "Palm Beach Farms Co. Plat No. 9" described as follows: Beginning at the southwest corner of "Breakers West Plat No. 1". As shown in plat book 32 page 83. Said corner being also the southeast corner of the aforesaid west 1/2 of lot 5, block 1, "Palm Beach Farms Plat No. 9", thence north 89 degrees 56" 07" west, a distance of 135.17 feet; thence north 00 degrees 32' 03" east, a distance of 239.83 feet; thence south 89 degrees 35' 00" east, a distance of 135.02 feet; thence south 00 degrees 29" 50" west. A distance of 239.00 feet to the Point of Beginning and being located on the north side of Belvedere Road, bound on the west By US 441, on the east by Sansbury Way, and bound on the north by Okeechobee Boulevard, in a RS-Single Family Residential Zoning District, was approved on September 27, 1990, as advertised, subject to the following conditions:

A. STANDARD CONDITION

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.

B. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

C. SCHOOL BOARD

1. The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be bused because of School Board policies regarding overcrowding, racial imbalancing or other policy matters. This information shall be updated on an annual basis.

D. CIVIC SITE

1. Prior to Site Plan Review Committee Certification, the Master Plan shall be amended to designate the 0.44 acre parcel east of Sansbury's Way as a Civic Site.

E. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:

- a. 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; and/or
- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Phillips moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarthy	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of February, 1991.

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