

9/46/42

RESOLUTION NO. R-91-382

RESOLUTION APPROVING ZONING PETITION NO. 89-19(B)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF RAINBERRY DEVELOPERS FOUR, 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. 89-19(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on January 2, 1991; 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 the 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, Chapter 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. 89-19(B), the petition of RAINBERRY DEVELOPERS FOUR, INC., BY ROBERT E. BASEHART, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS TO DELETE CONDITION NO. 16(A) OF RESOLUTION R-89-1321, (ZONING PETITION 89-19 - POLO TRACE PUD), PERTAINING TO TRAFFIC PERFORMANCE STANDARDS on a parcel of land situated within Section 9, PALM BEACH FARMS COMPANY PLAT NO. 1, Palm Beach County, Florida, in Plat Book 2 Pages 26 through 28 described as follows: Being all of Tracts 1 through 64, inclusive, and the north 312.36 feet of Tracts 65 through 72, inclusive, of Section 9; LESS AND EXCEPTING, the right of way for Hagen Ranch Road, an 80 foot right of way and shown on the Palm Beach County right of way map, drawing number 3-56-027; AND ALSO LESS AND EXCEPTING, the north 116.01 feet of Tract 1, the north 121.33 feet of Tract 2, the north 118.63 feet of Tract 3, the north 116.00 feet of Tracts 4, 6, 8, 10, 12 and 14, the north 115.96 feet of Tracts 5, 7, 9, 11, 13 and 15, and the north 113.46 feet of Tract 16 for right of way of the Lake Worth Drainage District L-30 Canal; AND ALSO LESS AND EXCEPTING the west 35 feet of Tract 48 of Section 9, as deeded to the Lake Worth Drainage District per Deed Book 175, page 151, SUBJECT TO easements, restrictions, reservations and rights of way of record, and being located on the E AND W. SIDES OF HAGEN RANCH RD. BOUNDED ON THE S.

ORIGINAL

BY L.W.D.D. CANAL L-31, W. BY L.W.D.D. CANAL E-2, N. BY L.W.D.D. CANAL L-30, IN THE RS DISTRICT, was approved on January 2, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

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

B. ENGINEERING - MODIFICATION OF COMMISSION REQUIREMENTS

- El. Condition No. 16(a) of Petition No. 89-19, Resolution No. R-89-1321, which currently states:

"In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:

- a) No more than 34 single family building permits plus the two (2) golf courses and clubhouse shall be issued until construction has begun for West Atlantic Avenue as a minimum of 6 lane section from Hagen Ranch Road to Military Trail plus the appropriate paved tapers currently scheduled for the Fiscal Year 1990-1991."

Is hereby deleted.

C. LANDSCAPING

1. The petitioner shall comply to the requirements of the 1990 Landscape Code and submit a revised landscape plan for the development prior to issuance of the building permit for the clubhouse facility.

D. 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 Foster moved for approval of the Resolution.

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

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

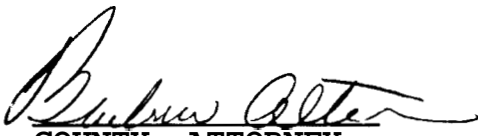
The Chair thereupon declared the resolution was duly passed and adopted this 26th day of March, 1991.

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

