

RESOLUTION NO. R-92-362

RESOLUTION APPROVING ZONING PETITION NO. 84-98(B)  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF PRASHA PROPERTIES, HUGH JANOW TRUSTEE

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. 84-98(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on December 9, 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. 84-98(B), the petition of PRASHA PROPERTIES, HUGH JANOW TRUSTEE, BY LEE STARKEY, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS REGARDING CONDITION NO. 3A AND NO. 3B (ENGINEERING RELATED/ORANGE POINT PUD) OF RESOLUTION NO. R-1834, on a parcel of land lying in the southerly portion of Section 23, Township 44 South, Range 41 East, described as follows: COMMENCING at the northwest corner of Section 23; thence South 00°18'37" East (state plane grid bearing datum) along the easterly line of the Acme Drainage District's Canal right of way as recorded in Official Record Book 1548, Page 388, 2,605.43 feet to the POINT OF BEGINNING; thence South 00°18'37" East along said line 2,826.26 feet to a point 228.05 feet east of the southwest corner of Section 23, and 4.85 feet north of the south line of Section 23; thence South 88°31'54" East, 5,273.93 feet to a point on the east line of Section 23, and 11.45 feet north of the southeast corner of Section 23; thence North 00°33'33" West along the east line of said Section, 2,712.62 feet to the East 1/4 corner of Section 23; thence North 02°15'48" East along said east line, 88.08 feet; thence North 88°14'59" West, 5,266.96 feet to the POINT OF BEGINNING, containing 340.06 acres, more or less; TOGETHER WITH a parcel in Section 26, Township 44 South, Range 41 East, described as follows: BEGINNING at the southwest corner of

Section 26; thence South 88°28'00" East (state plan grid bearing datum) along the south line of said Section, 5,408.17 feet to a point on a line that is 37.5 feet west of and parallel with the east line of Section 26; thence North 02°39'49" East along said parallel line, 2,740.73 feet to the south line of a parcel as described in O.R.B. 986, Page 210; thence North 88°57'19" West along the south line of said parcel, 1,534.53 feet to the southeast corner thereof; thence North 02°39'49" East along the west line of said parcel, 2,674.91 feet to a point on the south line of a parcel as described in Official Record Book (O.R.B.) 3203, Page 1846, as parcel 111; thence North 88°31'54" West along said south line, 3,694.94 feet to the west line of the Acme Drainage District's canal right of way as monumented and described in O.R.B. 1921, Page 1331, of said public records; thence South 04°33'44" West along said east line, 5,404.86 feet to the POINT OF BEGINNING, containing 565.37 acres, more or less; TOGETHER WITH all of Section 34, Township 44 South, Range 41 East, containing 656.36 acres, more or less; all of the above parcels subject to the Acme Drainage District Canal reservations as recorded in Deed Book 1037, Pages 686-692, and being located ON THE N AND S SIDES OF THE PROPOSED LAKE WORTH RD. EXTENSION, APPROX. 1.3 MILE W OF STATE RD. 7, IN THE RE ZONING DISTRICT, was approved on December 9, 1991, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein.
2. Prior to certification, the Master Plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.

B. ENGINEERING

1. Condition No. 3 of Resolution No. R-84-1834 approving Zoning Petition 84-98 which reads:

"Developer shall construct:

- a. South Road from existing limits of paving west to the project's westernmost access drive in Section 34 concurrent with the construction of the project's entrance roads onto South Road or upon notification by the County Engineer to provide paved continuity for South Road.
- b. Lake Worth Road from S.R. 7 west to the project's west property line. This petitioner shall be responsible for any acquisition of Right-of-way necessary for the construction of Lake Worth Road. The alignment of this right-of-way shall be approved by the County Engineer. Lake Worth Road shall be constructed concurrent with the filing of the first plat adjacent to Lake Worth Road or upon notification by the County Engineer to provide paved continuity for Lake Worth Road. This development shall be limited however, to 154 building permits until such time that both Lake Worth Road and South Road is constructed from S.R. 7 to the project."

Shall be amended to read:

"Developer shall construct:

- a. South Road from existing limits of paving west to the project's westernmost access drive in Section 34 concurrent with the construction of the project's entrance roads onto South Road or upon notification by the County Engineer to provide paved continuity for South Road.
- b. Lake Worth Road from S.R. 7 west to the project's west property line. Two lanes shall be constructed compatible with an ultimate six lane section as approved by the County Engineer. This petitioner shall be responsible for any acquisition of Right-of-Way necessary for the construction of Lake Worth Road. The alignment of this right-of-way shall be approved by the County Engineer. This construction shall be constructed concurrent with the first plat adjacent to Lake Worth Road. If Palm Beach County chooses to construct a portion of Lake Worth Road prior to the time required by this condition, to provide timely access to the Elementary School "K", then the Developer shall reimburse Palm Beach County for this construction in the amount to be approved by the County Engineer. This reimbursement shall be made prior to plats for more than 20 units being filed or prior to the issuance of a building permit, whichever shall first occur. However, this Lake Worth Road construction shall be constructed upon notification by the County Engineer that it is required to provide paved continuity to Lake Worth Road west of the Orange Point Estates, P.U.D."

C. PARKS AND RECREATION

1. The petitioner shall include in all written solicitations, advertisement, inducements, and other methods or attempts to encourage any person to purchase a legal or equitable interest in property within the northern most two (2) pods that a future 60 acre County district park with active recreational facilities; is planned for the property abutting this development on the north.

D. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 4C2.6, 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.
- 2. 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.
- 3. The approval of this petition shall not affect any Zoning Code Section 402.9 (Mandatory Review of Development Approval) review date established as the result of a previous approval for this property.

Commissioner McCarty moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 10th day of March, 1992.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

MILTON T. BAUER, CLERK

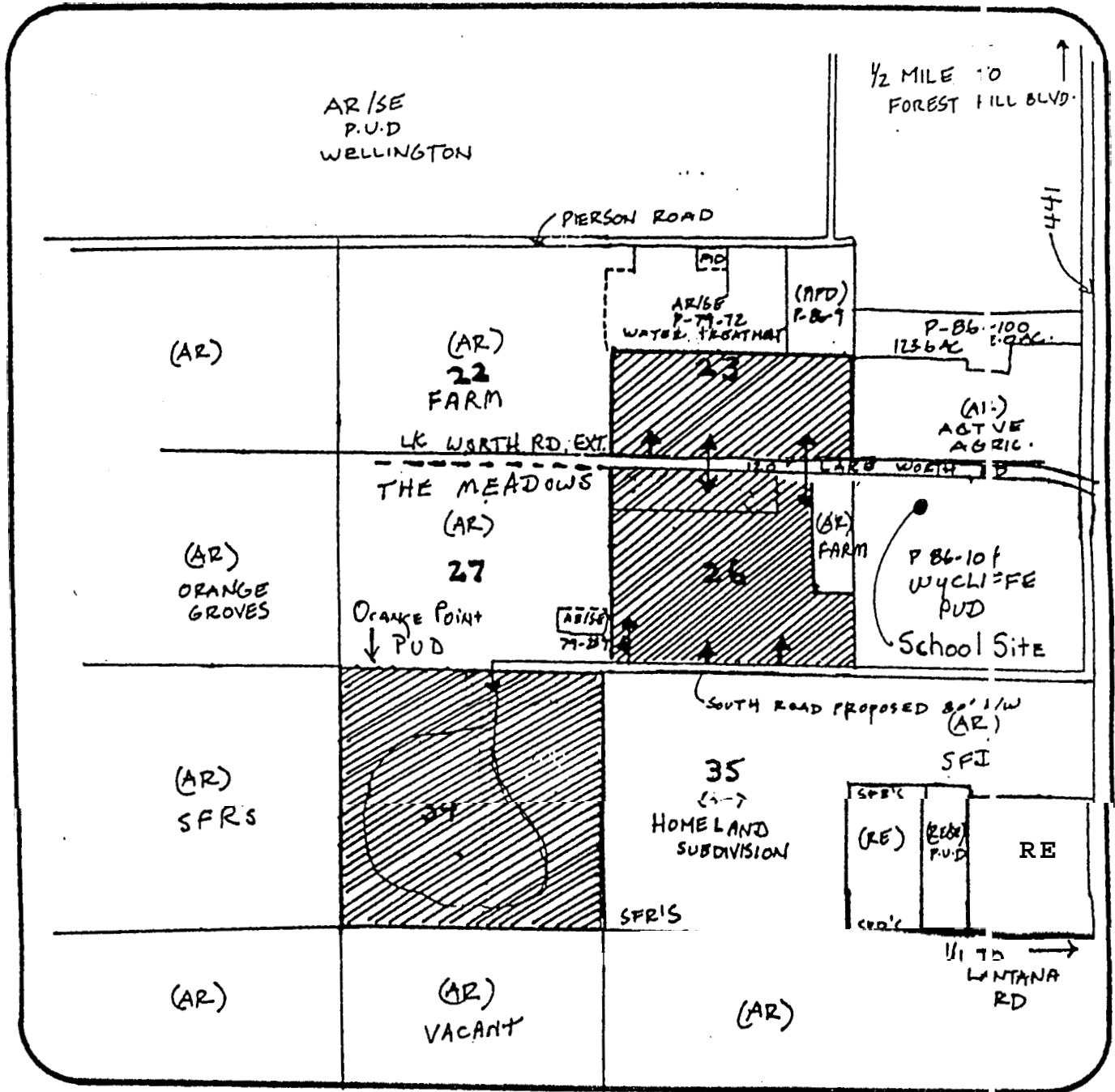
BY: *Richard Altman*  
COUNTY ATTORNEY

BY: *Joan Havelley*  
DEPUTY CLERK



Sec. 26 Twp. 44 Rng. 41  
 Quadrant Sheet: 63  
 Aerial Page: 233

# Vicinity Sketch



**Request:**

A MODIFICATION OF COMMISSION REQUIREMENTS regarding Condition Nos. 3.a. and 3.b. of Resolution No. R-1834, Petition No. 84-98.

PETITION NO: 84-98(B)

BCC DISTRICT: 6