

RESOLUTION NO. R-79-1248

RESOLUTION APPROVING ZONING PETITION

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. 79-177 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 23 August 1979.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 23^d day of August, 1979, that petition No. 79-177 the petition of TARTAN MANAGEMENT, U.S., INC., by Conrad W. Schaefer, Jr., Agent, for THE FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED **UNIT** DEVELOPMENT on the following described lands lying within Sections 14, 15, 22 and 23, Township 45 South, Range 42 East, being more particularly described as follows: The Southeast 1/4 of Section 15; The South 1/2 of Section 14; less and except the East 50 feet thereof, and further less and except the North 246 feet of the East 186 feet of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 14; The North 1/2 of the Northeast 1/4 of Section 22; The Northeast 1/4 of the Northeast 1/4 of Section 23; less and except the East 50 feet thereof; Tracts 1 through 4, inclusive, 9 through 16,

inclusive, and 21 through 24 inclusive, of Boynton Gardens, according to the Plat thereof as recorded in Plat Book 6, at page 32; together with the 30 foot abandoned rights-of-way lying South of Tracts 1 through 4 inclusive, and 9 through 12 inclusive, of said plat of Boynton Gardens. Subject to reservations, easements, and rights-of-way of record. Said property located on the west side of Military Trail (S.R. 809) and the east side of Jog Road, and being bounded on the north by L.W.D.D. Lateral Canal No. 21, and bounded on the south by the Boynton Canal, was approved as advertised subject to the following conditions:

1. Petitioner shall convey to Palm Beach County:
 - a. Sixty (60) feet from centerline for the ultimate right-of-way for Military Trail.
 - b. One hundred eight (108) feet for the ultimate right-of-way for N.W. 22nd Avenue thru the project's limits.
 - c. Sixty (60) feet from centerline for the ultimate right-of-way for Jog Road.
2. Petitioner shall construct:
 - a. A pedestrian or bicycle crossing across the L.W.D.D. E-3 Canal, other than N.W. 22nd Avenue.
 - b. N.W. 22nd Avenue to a two-lane section thru the project's limits, as determined by the County Engineer.
 - c. Jog Road from the southern terminus of LeChalet PUD to the project's south property line.
 - d. Right turn lane, north approach, on Military Trail at N.W. 22nd Avenue.
 - e. Left turn lane, south approach, on Military Trail at N.W. 22nd Avenue.
 - f. Left turn lane, south approach, on Military Trail at south entrance road.
 - g. Left turn lane, east approach, on N.W. 22nd Avenue at both project entrances.
 - h. Left turn lane, east approach, on N.W. 22nd Avenue at Jog Road.
 - i. Right turn lane, south approach, on Jog Road at N.W. 22nd Avenue.
 - j. Left turn lane, north approach, on Jog Road at the southern entrance.
 - k. Right turn lane, west approach, on N.W. 22nd Avenue at Military Trail.
 - l. Left turn lane, west approach, on N.W. 22nd Avenue at Military Trail.
3. Petitioner shall have the alignment of N.W. 22nd Avenue at the intersections with Military Trail and Jog Road approved by the County Engineer.

4. Petitioner shall signalize the intersection of N.W. 22nd Avenue and Military Trail when warranted, as determined by the County Engineer.
5. Petitioner shall contribute Two Hundred Three Thousand Six Hundred Nine Dollars (\$203,609.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). The fee schedule for this project has been calculated in accordance with Ordinance 79-7 as follows:

Residential	\$179.31/d.u.
Clubhouse	\$185.00
Commercial	\$625.00

This condition shall fulfill the developer's requirement according to the "Fair Share Contribution for Road Improvements Ordinance" No. 79-7 adopted by the Board of County Commissioners on June 19, 1979.

6. We will require Right-of-way for Lateral Canals No. 21 and 22, Boynton Canal and Equalizing Canal No. 3 as follows:

L-21. A parcel of land adjacent to the north line of the SE 1/4 of Section 15 measuring 40 feet in width at the east end and 80 feet in width at the west end, and also the north 40 feet of the SW 1/4 of Section 14, and also the north 65 feet of the SE 1/4 of Section 14.

L-22. The south 20 feet of the SE 1/4 of Section 15; the north 60 feet of the NE 1/4 of Section 22; the south 20 feet of Section 14; the north 45 feet of Tracts 9 to 12 inclusive of Boynton Gardens; the north 60 feet of the NE 1/4 of Section 23.

Boynton Canal - An additional 50 feet lying north of and adjacent to the existing Right-of-Way line of Boynton Canal.

E-3, The east 67.5 feet of SW 1/4 of Section 14; the west 67.5 feet of the SE 1/4 of Section 14; the west 27.5 feet of Tracts 4 and 21 of Boynton Gardens.

All of the above lying and being in 45/42, Palm Beach County, Florida. We will accept the Right-of-Way by Quit Claim Deed or Easement (on our form), whichever the owner prefers.

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

8. Petitioner shall enter into a formal contract with the School Board of Palm Beach County to contribute four-tenths (4/10) of one percent (1%) of the selling price of each residential dwelling unit in this planned unit development on a one time initial sales basis. However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above 4/10ths of 1% of the initial sales price toward alleviating some of the development's school impact.

9. Prior to the issuance of a land development permit for any area west of the E-3 Canal, adequate central sewage and water provisions must be available and certified by the Health Department. The developer must comply fully with the agreement between Palm Beach County and the existing utility.

Commissioner Gregory, moved for approval of the petition.

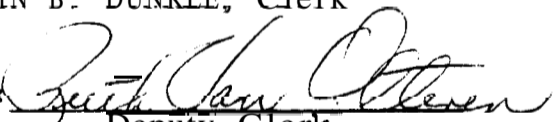
The motion was seconded by Commissioner Foster, and upon being put to a vote, the vote was as follows:

Bill Bailey, Chairman	-	Absent
Dennis Koehler, Vice Chairman	-	Yes
Peggy Evatt, Member	-	Yes
Frank Foster, Member	-	Yes
Norman Gregory, Member	-	Yes

The foregoing resolution was declared duly passed and adopted this 18th day of September, 1979, confirming action of 23 August 1979.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: 
 Deputy Clerk

APPROVE AS TO FORM
 AND LEGAL SUFFICIENCY


 County Attorney