

RESOLUTION NO. R-80-840

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. 80-87 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29 May 1980; and

WHEREAS, the Board of County Commissioners 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, the Board of County Commissioners made the following findings of fact:

1. The proposal would be consistent with the Comprehensive Land Use Plan

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day of May, that Petition No. 80-87 the petition of DAVID R. MacKENZIE for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land lying

in Section 22, Township 45 South, Range 42 East, being more particularly described as follows: Commencing at a 2x2 concrete pyramid monument marking the South 1/4 corner of said Section, thence North 00°13'31" West along the West line of the Southeast 1/4 of said Section, a distance of 1445.78 feet to a Point on the Easterly prolongation of the South line of Tracts 40 through 47 of Block 48 of Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, pages 45 through 54 inclusive, said point also being the Point of Beginning; thence North 89°26'12" East along the Easterly prolongation of the South line of said Tracts a distance of 2001.23 feet to a point on the West line of the East 1/4 of the Southeast 1/4 of said Section; thence, North 00°03'51" East; along said line and the West line of the East 1/4 of the Northeast 1/4 of said Section, a distance of 1859.37 feet to a point on the North line of the South 1/4 of the Northeast 1/4 of said Section; thence, North 89°54'02" West along said line, a distance of 1005.31 feet to a point on the West line of the East 1/4 of the West 1/2 of the Northeast 1/4 of said Section; thence North 00°04'53" West along said line a distance of 666.42 feet to a point on the North line of the South 1/2 of the Northeast 1/4 of said Section; thence North 89°46'21" West along said line a distance of 1007.00 feet to a Point on the West line of the Northeast 1/4 of said Section; thence, North 00°13'31" West, along said line, a distance of 118.64 feet to the North line of Tracts 16 through 23 of Block 48 of said plat; thence South 89°26'12" West along said Tract lines a distance of 2796.54 feet to a point on the West line of Tracts 23, 24, 39 and 40 of Block 48 of said Plat; thence South 00°35'09" East along said line a distance of 2669.82 feet to the Southwest corner of said Lot 40; thence North 89°26'12" East along the South line of said Tracts 40 through 47 a distance of 4780.97 feet to the Point of Beginning. Said property located approximately .5 mile east Of Hagen Road and being bounded on the south by Boynton Canal, was approved as advertised subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County one hundred twenty (120) feet for the ultimate right-of-way of Jog Road from Boynton West Road to the Boynton Canal.
2. Petitioner shall construct a left turn lane, west approach, on Boynton West Road at Jog Road.
3. Petitioner shall construct a right turn lane, east approach, on Boynton West Road at Jog Road.
4. Petitioner shall construct Jog Road from the project's north limit to Boynton West Road, per the County Engineer's approval.
5. Petitioner shall contribute Sixty-three Thousand, Four Hundred Fifty Dollars (\$63,450.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of a Land Development Permit. This money is to be applied towards the construction of a bridge over the Boynton Canal at Jog Road.
6. 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.
7. The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from the project do not become a nuisance to neighboring properties.
8. Petitioner must dedicate the civic site to Palm Beach County, without cost, within ninety (90) days of the filing of the first plat.
9. The Lake Worth Drainage District will require the North 55.00 feet of Tracts 32 to 39, inclusive, Block 48, Palm Beach Farms Co. Plat No. 3, Plat Book 2, page 49 and the North 80.00 feet of the West Three-Quarters (W 3/4) of the Southeast Quarter (SE 1/4) of Section 22, Township 45 South, Range 42 East and that part of the West 30.00 feet of the Northeast Quarter (NE 1/4) of said Section 22, lying South of the easterly extension of the South line of Tract 31, of said Block 48, and that portion of the East 55.00 feet of the West Half (W 1/2) of said Section 22, lying South of the easterly extension of the South line of said Tract 31 and North of the westerly extension of the South line of the North 80.00 feet of the Southeast Quarter (SE 1/4) of said Section 22. All of the above being required for Lateral Canal No. 23. We will accept a Quit Claim Deed or an Easement (on our form), whichever the owner prefers.
10. All residents of the planned unit development shall have first preference for membership to the recreational facilities.

Commissioner Gregory, moved for approval of the petition.
The motion was seconded by Commissioner Bailey, and upon being
put to a vote, the vote was as follows:

Dennis Koehler, Chairman	-	Ay
Frank Foster, Vice Chairman	-	No
Bill Bailey, Member		Aye
Norman R. Gregory, Member	-	Aye
Peggy B. Evatt, Member	-	Aye

The foregoing resolution was declared duly passed and adopted
this 24th day of June, confirming action of
29 May 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Law Otter*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Charles Felchock
County Attorney

