

RESOLUTION NO. R-87-898

RESOLUTION APPROVING ZONING PETITION 85-162(B): Special Exception

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. 85-162(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 5, 1987; 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. With required master plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 85-162(B), the petition of WALDEMAR SCHICKEDRIZ, TRUSTEE, By Robert Bantz, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR A PLANNED UNIT DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-162, TO ALLOW A CHANGE IN THE HOUSING CATEGORY FROM B-1 TO C ON TRACTS 41 THROUGH 48, INCLUSIVE, on those portions of Section 22, Township 45 South, Range 42 East, described as follows: The Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 and all that portion of the East 1/2 of the East 1/2 of the Southeast 1/4, lying Northerly of the Northerly Right-of-wayline of Boynton Beach

Boulevard, as now located and constructed; together with a parcel of land in the West 1/2 of Section 23, Township 45 South, Range 42 East, said parcel including portions of the plat of Boynton Gardens, as recorded in Plat Book 6 at Page 32 and being more particularly described as follows: All of Tracts 39 thru 46 inclusive, together with all of that certain roadway lying East of and adjacent to said Tract 45, and together with all of that certain roadway lying Southerly of and adjacent to said Tracts 39 thru 46 inclusive; all of Tracts 47 thru 56 inclusive, together with all of that certain roadway lying East of and adjacent to said Tracts 47 thru 55 and together with all that certain roadway lying Westerly of and adjacent to said Tracts 47 thru 56, excepting therefrom that portion thereof lying within the Right-of-way of Boynton Beach Boulevard; all of Tracts 59 and 60, together with all of that certain roadway lying West of and adjacent to said Tract 60, excepting therefrom that portion thereof lying within the Right-of-way of Boynton Beach Boulevard; all of Tracts 63 thru 66 inclusive together with all of that certain roadway lying East of, and adjacent to said Tracts 63 and 64; all of Tracts 69 thru 72 inclusive; all of Tracts 73 thru 78 inclusive; all according to said plat of Boynton Gardens Subdivision and; the Northeast 1/4 of the Southwest 1/4 said Section 23, excepting therefrom the East 40 feet thereof, together with Tracts 41 thru 48 inclusive, according to the Subdivision of Section 26, Township 45 South, Range 42 East, as recorded in Plat Book 6 at Page 26. Subject to existing Rights-of-Ways over the South 10 feet of said Tract 41 and the North 53 feet of said Tract 48. Said property located on the north and south sides of Boynton Beach Boulevard (S.R. 804), being bounded on the east by Lake Worth Drainage District Equalizing Canal No. 3 and on the north by the Boynton Canal, approximately .4 miles east of Jog Road in an RTS-Residential Transitional Suburban Zoning District, in part, and RS-Single Family Residential Zoning District, in part, was approved as advertised, subject to the following conditions:

The developer shall comply with all previous conditions of approval unless expressly modified herein.

2. The residential dwelling units located south of Boynton Beach Boulevard shall not exceed three (3) stories with a maximum height of forty (40) feet.
3. The 25 foot buffer along the western property line of the 75.6 acre parcel, lying south of Boynton Beach Boulevard, shall not be waived by the Site Plan Review Committee.
4. The petitioner shall convey to the Lake Worth Drainage District:
 - a) A parcel of land eighty (80) feet in width lying immediately south of and contiguous to the South right-of-way line of Boynton Beach Boulevard (SR 804) for the required right-of-way for Lateral Canal No. 24, and
 - b) the south 10.00 feet of Tract 41 per P.B. 6.P.25. for the required right-of-way for Lateral Canal No. 25, and
 - c) the east 10.00 feet of Tracts 41 to 48 including per P.E. 6.P. 26. for the required right-of-way for Equalizing Canal No. 3, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of adoption of the Resolution by the Board of County Commissioners.

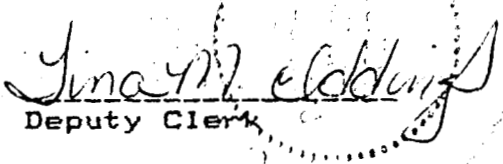
Commissioner Wilken , moved for approval of the petition. The motion was seconded by Commissioner Owens , and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Absent
Jerry L. Owens	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Absent

The foregoing resolution was declared duly passed and adopted this 23rd day of June, 1987 confirming action of January 5, 1987.

PRLM PERCH COUNTY, FLDRIDR
BY ITS BORRD OF, COUNTY
COMMISSIONERS

JOHN E. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney