

RESOLUTION NO. R- 89-935

RESOLUTION APPROVING ZONING PETITION NO. 87-131(A)  
SPECIAL EXCEPTION AND MODIFICATION  
OF COMMISSION REQUIREMENTS  
PETITION OF GSG ASSOCIATES

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. 87-131(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 26, 1988; 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, this approval is subject to 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 made the following findings of fact:

1. This proposal is 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. 87-131(A), the petition of GSG ASSOCIATES, by Anna Cottrell, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR PALMETTO PARK WOODS PLANNED UNIT DEVELOPMENT TO REDESIGN THE SITE AND PERMIT PHASING, TOGETHER WITH A CONCURRENT MODIFICATION OF COMMISSION REQUIREMENTS on Tracts 100, 101 and 102, Block 78, Palm Beach Farms Company, Plat No. 3 in Section 19, Township 47 South, Range 42 East as recorded in Plat Book 2, page 45-54, less the South 140 feet of Tracts 100, 101 and 102, located on the north side of Palmetto Park Road, approximately .2 mile east of State Road 7 (U.S. 441), in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

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

2. Prior to certification, the master plan shall be amended to indicate the following:
  - a. Open space calculations in accordance with Section **500.21.J** of the Zoning Code. The master plan shall clearly identify a minimum of **4.13** acres of bona fide open space.
  - b. Scaled dimensions of the **1.6** acre open space tract.
3. Condition **No. 10** of Zoning Petition No. **87-131** approved November, **1987** which presently states:

**"10.** The **3.0** acre open space area as designated on the master plan, exhibit **No. 18**, shall be maintained as a passive recreation area for the homeowners of this petition. In addition, this open space shall provide a visual and physical buffer from surrounding Agricultural Residential and Residential Estate residential development."

**Is** hereby amended to read as follows:

"The open space area as designated on the master plan, exhibit **No. 25**, shall be maintained **as a** passive recreation area for the homeowners within this development. This open space shall be a minimum of **1.6** acres. In addition, this open space shall provide a visual and physical buffer from surrounding Agricultural Residential and Residential Estate development."

4. The property owner shall realign the existing median opening subject to approval by the County Engineer concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of any Building Permit.
5. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
6. Water service is available to the property. Therefore, **no** well shall be permitted **on** the site **to** provide potable water.
7. All property included in the legal description **of** this petition shall be subject to a Declaration **of** Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for: Formation of a single "master" property owner's association, and automatic membership in the "master" association by any party holding title to any portion **of** the property included in the planned unit development.
8. Failure to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein **shall** constitute violation of the Palm Beach County Zoning Code.

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Aye
James Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of May 26, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK

