

RESOLUTION NO. R-89-1041
RESOLUTION APPROVING ZONING PETITION NO. 86-100(A)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF GEORGE T. ELMORE, TRUSTEE, AND LELA PEARCE

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. 86-100(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 23, 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 and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 86-100(A) the petition of GEORGE T. ELMORE, TRUSTEE AND LELA PEARCE, by William R. Boose III, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on:

Parcel 1:

A tract of land in Section 24, Township 44 South, Range 41 East, described as follows: Beginning at the Northeast corner of the Northwest 1/4 run South along the East boundary of the Northwest 1/4, a distance of 1558.50 feet to the Point of Beginning: thence run Westerly to a point on the West line of the East 1/2 of the Northwest 1/4 which point is 1622.50 feet South of the Northwest corner of the East 1/2 of the Northwest 1/4; thence Westerly parallel to the North line of said Section to a point on the West line of said Northwest 1/4; thence Southerly to the Southwest corner of said Northwest 1/4; thence Easterly on the South line of the Northwest 1/4 to the Southeast corner of said Northwest 1/4; thence Northerly to the Point of Beginning;

Together with:

Parcel 2:

Tracts 9, 10, 11, 12 and 13 of Block 26, Palm Beach Farms Company, Plat No. 3, according to the Plat thereof recorded in Plat Book 2, Pages 45 to 54, less the following described real property. Beginning at the Northeast corner of Tract 9,; thence Westerly along the North line of Tract 9, 10 and 11, a distance of 1320 feet; thence Southerly parallel with the East line of said Tract 9, a distance of 330 feet: thence Easterly parallel with the North line of said Tracts 9, 10 and 11, a distance of 1320.00 feet; thence Northerly along the East line of said Tract 9, a distance of 330 feet to the Point of Beginning.

Together with:

Parcel 3:

The South 20.00 feet of Tracts 5, 6, 7 and 8 of Block 26, Palm Beach Farms Company, Plat No. 3, recorded in Plat Book 2, Pages 45 to 54, together with an easement for ingress and egress over the following described real property as set forth in Official Record Book 3726, Page 1101. The North 66.00 feet of the South 86 feet of Tracts 5 through 8, inclusive, less the Right-of-way of State Road 7 in Block 26, Palm Beach Farms Company, Plat No. 3 in Plat Book 2, Pages 45 through 54.

Together with:

Parcel 4:

A parcel of land, lying in Tracts 9, 10 and 11, Palm Beach Farms Company, Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54, inclusive, being more particularly described as follows: Beginning at the Northeast corner of tract 9; thence Westerly along the North line of Tracts 9, 10 and 11, a distance of 1320.00 feet; thence Southerly, parallel with the East line of said Tract 9, a distance of 330.00 feet; thence Easterly parallel with the North line of said Tracts 9, 10 and 11, a distance of 1320.00 feet; thence Northerly along the East line of said Tract 9, a distance of 330 feet to the Point of Beginning; less therefrom the following parcel: Beginning at the Northeast corner of Tract 9; thence Westerly along the North line of Tract 9, a distance of 48.91 feet for a Point of Beginning, said Point of Beginning being located at the intersection of the North line of said Tract 9 and the West Right-of-way line of State Road No. 7; thence Westerly along the North line of said Tract 9, a distance of 202.67 feet to a point; thence Southerly a distance of 230.00 feet to a point; thence East along a line parallel to the North line of Tract 9, a distance of 188.00 feet to a point on the West Right-of-way line of State Road No. 7; thence Northerly along the West Right-of-way line of State Road No. 7, a distance of 231.25 feet to the Point of Beginning, being located on the west side of U.S. 441 (SR 7), approximately .9 mile north of Lake Worth Road Extension (SR 802), in an RTS-Residential Transitional Suburban

Zoning District, was approved subject to the following conditions:

1. The developer shall comply with all previous conditions of approval, unless expressly modified herein,
2. If the off-site dedication of land or cash contribution is accepted by the Board of County Commissioners, the Site Plan Review Committee shall have the authority to designate the 2.47 acre parcel as a residential land use supporting Category "A" type dwelling units. This tract may be relocated to the southeast corner of the development.
3. The relocation of the recreational parcel shall comply with Section 402.7. (Site Plan Review Committee) of the Zoning Code.
4. Condition No. 1(d). of Zoning petition No. 86-100, Resolution No. R-87-427, which currently states:

"1.d Prior to master plan certification, the master plan shall be amended to reflect a recreational site located in Parcel A".

Is hereby deleted.

5. Condition No. 17 of Zoning Petition No. 86-100, Resolution No. R-87-427, which currently states:

"17. The Petitioner shall convey to the Board of County Commissioners the 2.47 acre governmental services site for required fire/rescue services in this area. The conveyance shall be by warranty deed within nine (9) months of final adoption of the Resolution approving this project".

Is hereby amended to read as follows:

"The petitioner may exchange the required on-site dedication of land for civic uses either for a parcel of land off-site equal in acreage or cash of equal value. In addition, in the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of the on-site land dedication shall be based upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of Zoning Code Section 500.21.H."

6. Condition No. 12 of Zoning Petition 86-100, Resolution R-87-427, which presently states:

"12. The Lake Worth Drainage District will require the south 30 feet of Tract 13 and the west 55 feet of Tracts 12 and 13 for the required right-of-way of the L11-W and the S-6 Canal by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project".

Is hereby deleted.

7. The Lake Worth Drainage District will require the west fifty-five (55) feet of Tracts 12 and 13 for the required right-of-way of Canal S-6. This right-of-way shall be conveyed by the petitioner by easement deed or a Quit Claim Deed within ninety days of special exception approval.
8. Prior to the release of surety for each phase, the petitioner shall establish a littoral zone and aquatic planting plan in accordance with guidelines established by the South Florida Water Management District and subject to final approval by the Department of Environmental Resource Management. The project's required Site Rehabilitation and Reclamation Plan shall be amended to include the outline of this littoral zone.
9. 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 violations of the Palm Beach County Zoning Code.

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

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

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of September 23, 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