

ORIGINAL

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 82-40
TO AMEND CONDITIONS OF APPROVAL OF
RESOLUTION NO. R-82-635
WHICH APPROVED THE SPECIAL EXCEPTION OF
HOVSONS OF FLORIDA, INC.
PETITION NO. 82-40

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 402.9 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, pursuant to Section 402.9, Status Report SR 82-40 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at a public hearing conducted on February 27, 1992; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has reviewed Status Report SR 82-40 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 402.9 of the Palm Beach County Zoning Code authorizes the Board of County Commissioners, sitting as the Zoning Authority, to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations; and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

WHEREAS, Section 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. SR 82-40, amending Conditions of Approval of Resolution No. R-82-635, the Special Exception of Hovsons of Florida, Inc., Petition No. 82-40, which approved a Special Exception to amend the master plan for a Planned Unit Development (Melrose Park PUD; ~~AKA~~ Holiday City at Boynton Beach) previously approved under Zoning Petition No. 79-160, on a parcel of land lying West of the West right-of-way line of Florida State Turnpike: Tracts 1 to 44, both inclusive and Tracts 46 to 61, both inclusive, Block 45; and Tracts 1 to 38, both inclusive, and Tracts 40 to 54, both inclusive, Block 46; all in The Palm Beach Farms Co., Plat No. 3, in Sections 17, 18, Township 45 South, Range 42 East, as recorded in Plat Book 2, pages 45 to 54, inclusive, Excepting therefrom the Florida State Turnpike right-of-way, said right-of-way being a portion of Tracts 1, 22, 23 and 54 in said Block 46, and more fully described in Deed Book 1138, page 442, as

follows: Tracts **1, 22 23** and 54, Block **46**, Township 45 South, Range **42** East, Palm Beach Farms Company Subdivision Plat No. **3**, as recorded in Plat Book **2**, page **49**, Excepting therefrom the East portion of Tracts **1, 22, 23** and 54, said portion being **299.60** feet wide at the South boundary of Tract 54 and **349** feet wide at the North boundary of Tract **1**, the Western **120** feet of this strip being Lake Worth Drainage District Canal E-2 right-of-way; Also Excepting the North **37.0** feet of Tract **1**, being the right-of-way for Lake Worth Drainage District Lateral No. 20. Except the Western **120** feet of the above referred to strip, being Lake Worth Drainage District Canal E-2 Right-of-way; and also except the North **37** feet of Tract **1**, being right-of-way for Lake Worth Drainage District Lateral No. **20**,

1. The property owner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition 2.b which currently states:

The developer shall provide County-approved surety based upon certified cost estimates that are inflation-adjusted on the basis of ten percent **(10%)** per annum for the two lane section of Lyons Road commencing at the project's north property line to Boynton West Road prior to the time of applications for a Certificate of Occupancy for the 425th residential dwelling unit in the project, but in no event later than four (4) years from the special exception approval.

is hereby amended to state:

The property owner shall provide Palm Beach County with approved surety in the amount of one hundred ten **(110)** percent, based upon a certified cost estimate, for construction of a two lane section of Lyons Road commencing at the project's north property line to Boynton Beach Boulevard prior to April **1, 1992**. Said surety shall not expire before January **31, 1994**.

Condition 3 which currently states:

The developer shall design as an ultimate **108** foot section and construct as a two lane section for Lyons Road from the project's north property line to Boynton West Road prior to the time of application for a Certificate of Occupancy for the 1000th residential dwelling unit in the project, but in no event later than eight **(8)** years from the special exception approval.

is hereby amended to state:

The Property owner shall design as an ultimate **108 foot** section and construct as a two lane section **for** Lyons Road from the project's north property line to Boynton Beach Boulevard prior to October **31, 1993**.

Commissioner Roberts
.Resolution.

moved for approval of the

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

KAREN T. MARCUS, CHAIR	--	Aye
CAROL J. ELMQUIST	--	Aye
CAROL ROBERTS	--	Aye
CAROLE PHILLIPS	--	Aye
MARY MCCARTY	--	Aye
KEN FOSTER	--	Aye
MAUDE FORD LEE	--	Aye

The Chair thereupon declared the resolution was duly passed
and adopted this 28th day of April, 1992.

APPROVED AS TO **FORM**
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MILTON T. BAUER, CLERK

BY:

Milton T. Bauer

BY:

Judith L. Crook

