

RESOLUTION NO. R-95-1021

RESOLUTION APPROVING ZONING PETITION DOA81-01(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF ROBERT A. LEVY, TRUSTEE, %ORIOLE HOMES

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA81-01(A) was presented to the Board of County Commissioners at a public hearing conducted on July 27, 1995; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency exemption and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition **DOA81-01(A)**, the petition of Robert A. Levy, Trustee, for a Development Order Amendment (DOA) to amend the master plan for the Boca Golf and Tennis Planned Unit Development (PUD) to reduce land area, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 27, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of July, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

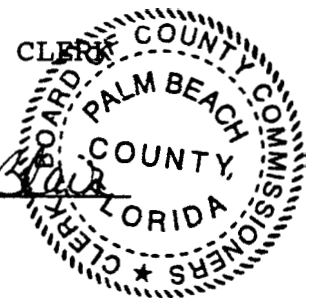


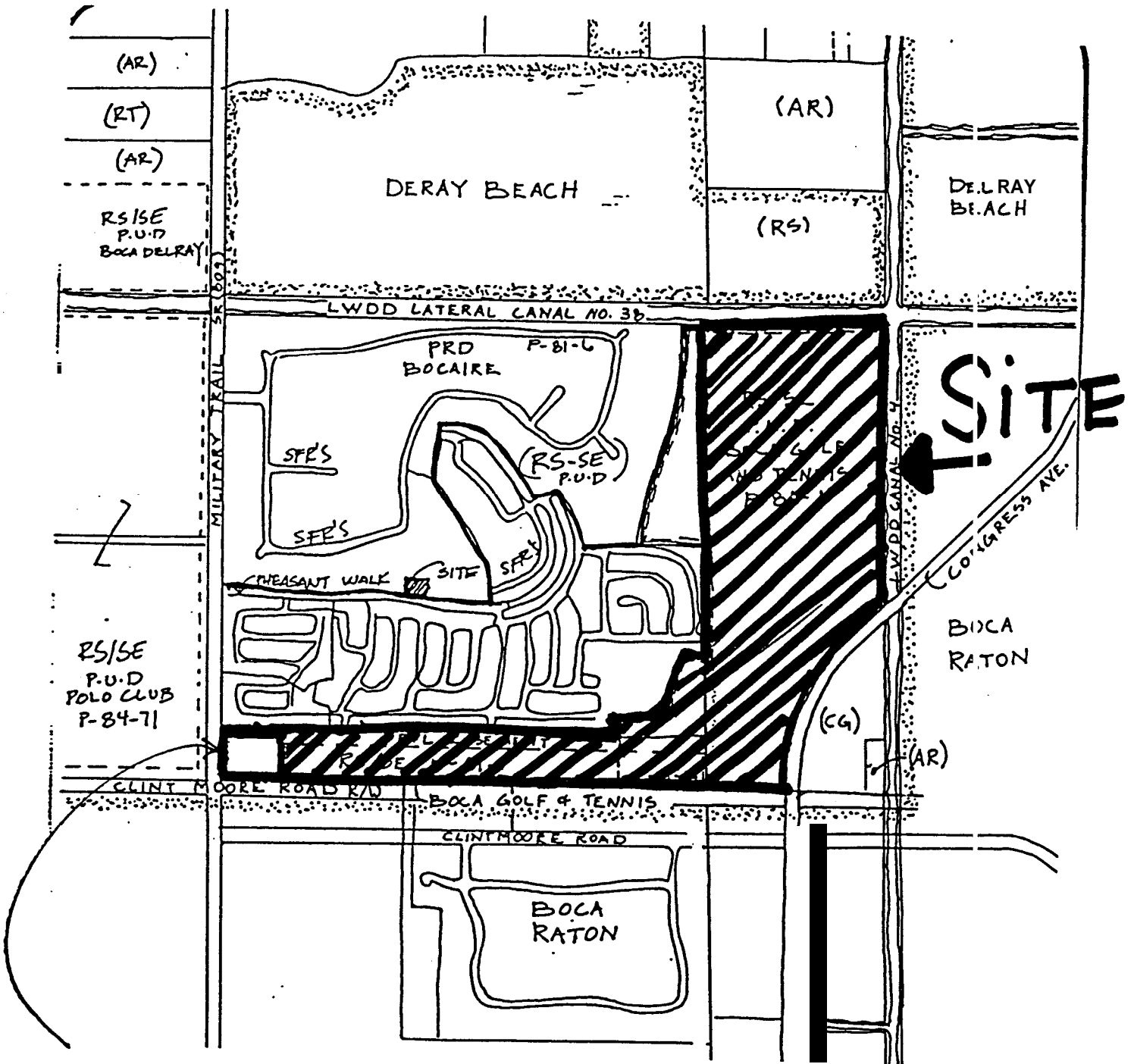
EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"

A parcel of land in the SW 1/4 of Section 36, Township 46 South, Range 42 East, said parcel being more particularly described as follows:

Commencing at the Southwest corner of said SW 1/4 of Section 36; thence run South 89°40'13" East (on an assumed bearing) 40 feet along the South boundary of said SW 1/4, to the Point of Beginning; thence continue South 89°40'13" East 617.48 feet along said South boundary; thence run North 0° 19'47" East 440 feet to an intersection with a line 440 feet North of, as measured at right angles and parallel to said South line of the SW 1/4; thence run North 89° 40'13" West 620.02 feet along said parallel line to an intersection with a line 40 feet East of, as measured at right angles and parallel to the West line of said SW 1/4; thence run due South 440.01 feet along said parallel line, also forming the East right of way line of Military Trail, as now located and constructed to the Point of Beginning

EXHIBIT B
VICINITY SKETCH



AREA to be deleted.

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-81-316 (Petition 81-01) have been consolidated herein. **The** petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (MONITORING)

B. HEALTH

1. **The developer will take reasonable precaution to insure that run-off from this project will not pollute adjacent or nearby surface waters.** (Previously Condition No. 10 of Resolution No. R-81-316, Petition No. 81-01).
2. **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.** (Previously Condition No. 11 of Resolution No. R-81-316, Petition No. 81-01).

C. PREM

1. Condition No. 12 of Resolution No. R-81-316, Petition No. 81-01, which currently states:

Petitioner shall dedicate the civic site to Palm Beach County, without cost, within ninety 90 days of the filing of the first plat.

Is hereby deleted. [REASON: SATISFIED]

D. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. **A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or**
 - d. Referral to code enforcement; and/or

- e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.
(MONITORING)

E. ENGINEERING

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County:
 - a. sixty (60) feet from centerline for the ultimate right-of-way for Military Trail
 - b. sixty (60) feet from centerline for the ultimate right-of-way for Congress Avenue. (Previously Condition No. 1 of Resolution No. R-81-316, Petition No. 81-01).
2. Petitioner shall provide for the interior loop road to be a minimum of eighty feet right-of-way. (Previously Condition No. 2 of Resolution No. R-81-316, Petition No. 81-01).
3. Petitioner shall construct Congress Avenue as a 4-lane median divided section from New Clint Moore Road to the project's north property line on Congress Avenue. This construction is to begin after the first 324 units have been platted and shall be completed within two (2) years of Special Exception approval. (Previously Condition No. 3 of Resolution No. R-81-316, Petition No. 81-01).
4. After the issuance of the first 800 Certificates of Occupancy, the County Engineer shall review the traffic circulation on Congress Avenue, and if warranted, the petitioner shall construct the northerly access road to additionally serve this development. (Previously Condition No. 4 of Resolution No. R-81-316, Petition No. 81-01).
5. Petitioner shall construct at Congress Avenue and the project's north entrance road (in conjunction with Condition No. 4):
 - a. right turn lane, north approach
 - b. left turn lane, south approach
 - c. one lane entering, two lanes exiting
 - d. signalization when warranted by the County Engineer. (Previously Condition No. 5 of Resolution No. R-81-316, Petition No. 81-01).
6. Petitioner shall construct at the intersection of Clint Moore Road and Congress Avenue:
 - a. left turn lane, north approach
 - b. right turn lane, north approach
 - c. left turn lane, south approach
 - d. signalization when warranted as determined by the County Engineer. (Previously Condition No. 6 of Resolution No. R-81-316, Petition No. 81-01).

7. Petitioner shall construct at the project's south entrance and Congress Avenue:
 - a. two lanes entering and two lanes exiting
 - b. right turn lane, north approach
 - c. dual left turn lanes, south approach
 - d. signalization when warranted as determined by the County Engineer. (Previously Condition No. 7 of Resolution No. R-81-316, Petition No. 81-01).

8. Petitioner shall provide vehicular access from the proposed civic site, on Military Trail, to the existing Pheasant Walk, provided that the Civic Site is designed for active public use. If this site is designed as a passive recreation area, it shall be served by a bicycle/pedestrian path on emergency access as approved by the County Engineer. (Previously Condition No. 8 of Resolution No. R-81-316, Petition No. 81-01).

9. Petitioner shall contribute Two Hundred Ninety-nine Thousand Two Hundred Fifty Dollars (\$291,250.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit (s). (\$187.00 per dwelling unit). This Fair Share fee shall be credited toward Condition No. 3. (Previously Condition No. 9 of Resolution No. R-81-316, Petition No. 81-01).