

RESOLUTION NO. R-89- 328

RESOLUTION APPROVING ZONING PETITION NO. 86-15(B)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF ORIOLE HOMES CORPORATION

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. 86-15(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 29, 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. 86-15(B), the petition of ORIOLE HOMES CORPORATION, by F. Martin Perry, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS FOR PALM CHASE PLANNED UNIT DEVELOPMENT PLACED ON ZONING PETITION NO. 86-15(B), on a parcel of land lying in Tracts 49, 50, 59 and 60, Subdivision of Section 26, (less road right of way) Township 45 South, Range 42 East, recorded in Plat Book 6, Page 26 and the NW 1/4 of the NW 1/4 of Section 26, Township 45 South, Range 42 East,

Subject to easements and rights of way of record.

Said land being more particularly described as follows:

Commencing at the Northeast corner of Section 8, Township 45 South, Range 42 East; thence with a bearing of South 00 degrees 20' 36" West, a distance of 40.89 feet; thence North 89 degrees 44' 38" East, a distance of 20.00 feet to the Point of Beginning; thence continue with a bearing of North 89 degrees 44' 38" East, a distance of 1,301.98 feet; thence South 00 degrees 55' 23" West, a distance of 2,615.52 feet; thence with a bearing of South 89 degrees 29' 43" West, a distance of 1,275.59 feet; thence with a bearing of North 00 degrees 20' 36" East, along a line lying 20.00 feet East of and Parallel to the West line of Section 26, Township 45 South, Range 42 East, (said line also being the West right of way line of El Clair Ranch Road) a distance of 2,620.65 feet more or less to the Point of Beginning.

Subject to an easement for Lake Worth Drainage District being the North 80.00 feet and the South 10.00 feet of the above-described parcel recorded in Official Record Book 4,976, Page 1,066, located on the southeast corner of the intersection of Boynton Beach Boulevard and El Clair Ranch Road, bounded on the south by the Lake Worth Drainage District Canal L-25, 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. Condition No. 11 of Zoning Petition No. 86-15 (Resolution No. R-86-101 adopted January 27, 1987) which presently states:

"11. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:

No more than 208 building permits shall be issued until the contract has been let for Boynton Beach Boulevard as a 4 lane section from Military Trail to El Clair Ranch Road plus the appropriate paved tapers. The project shall be limited to multi-family dwelling unit types."

Is hereby amended to read as follows:

"11. Petitioner shall be allowed to draw 20 Building Permits a month beginning May 1988 until all 140 permits are received. The project shall be limited to multiple family dwelling units."

3. 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 Wilken moved for approval of the petition. The motion was seconded by Commissioner Elmquist 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
Kenneth M. Adams	--	Absent

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of February 29, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Susan Pulitz
COUNTY ATTORNEY

BY:

June J. Hardy
COUNTY CLERK