

RESOLUTION NO. R-81-1210

RESOLUTION APPROVING ZONING PETITION

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. 81-145 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27 August 1981; 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, the Board of County Commissioners made the following findings of fact:

1. The proposal would be in harmony and compatible with **the present** and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day of August, 1981, that Petition No. **81-145** the petition of IRON CITY SASH AND DOOR COMPANY by J.D. Sheets, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land lying in Section 16, Township 46 South, Range 42 East, being more particularly described as: the North

1/2 of the Northwest 1/4 of Section 16, Township 46 South, Range 42 East; Less the following described parcel of land as recorded in Official Record Book 2121, page 687 and designated hereon as Parcel 'A': a parcel of land in the Northwest 1/4 of Section 16, Township 46 South, Range 42 East, more particularly described as follows: From the Quarter corner in the South line of Section 16, Township 46 South, Range 42 East; thence on an assumed bearing of North 0°31' East, a distance of 4836.53 feet to a point; thence South 89°43' West, a distance of 21.09 feet to the Point of Beginning; thence South 89°43' West, a distance of 364.60 feet; thence South 1°26' West, a distance of 670.95 feet; thence North 89°28'40" East, a distance of 384.70 feet; thence North 0°17' West, a distance of 669.04 feet to the Point of Beginning: Said Parcel 'A' being otherwise described as follows: Commencing at the North Quarter Corner of said Section 16; thence with a bearing of South 0°38'46" West along the North-South Quarter Line of Section 16 as shown on the Palm Beach County Right-of-Way Map of **Hagen** Road, a distance of 677.04 feet to a point; thence with a bearing of South 89°50'46" West, a distance of 21.83 feet to a point on the West right-of-way line of **Hagen** Road, said point being the Point of Beginning; thence with a bearing of South 0°36'09" West along said West **right-of-way** line of **Hagen** Road as shown on said Palm Beach County Right-of-Way Map, a distance of 669.14 feet to a point; thence with a bearing of South 89°36'26" West, a distance of 375.13 feet to a point; thence with a bearing of North 1°33'46" East, a distance of 670.95 feet to a point; thence with a bearing of North 89°50'46" East, a distance of 363.86 feet, more or less, -to the-Point-of-Beginning. Said **property** located on the west side of **Hagen** Ranch Road, being bounded on the north by L.W.D.D. Lateral Canal No. 32, was approved as advertised subject to the following conditions:

1. Petitioner shall construct at the intersection of **Hagen** Ranch Road and Delray West Road a right turn lane, east approach, prior to or concurrent with the issuance of the 350th Certificate of Occupancy.

2. Petitioner shall construct at the intersection of **Hagen** Ranch Road and the project's entrance prior to or concurrent with the issuance of the 148th Certificate of Occupancy:
 - a. left turn lane, south approach
 - b. right turn lane, north approach
3. Petitioner shall contribute Sixty Thousand Six Hundred Twenty-five Dollars (**\$60,625.00**) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permits to be applied as a credit toward the construction by the petitioner, of Delray West Road from Jog Road to Military Trail as a 6-lane median divided section, or to other right-of-way construction agreed upon by the petitioner and the County Engineer, prior to issuance of the 351st building permit.
4. The developer will take reasonable precautions during the development of this project to insure that fugitive **particulates** (dust particles) from this project do not become a nuisance to neighboring properties.
5. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.
6. This approval is limited to a total density of 6 dwelling units/acre. The petitioner must document that 2 dwelling units/acre of the total have been assigned to this property through a transfer of development rights prior to the issuance of the 298th building permit.
7. Any potential purchaser shall be notified of the existence of airplanes/airport through a plat notation.
8. The Lake Worth Drainage District will require the North 65 feet of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 16, Township 46 South, Range 42 East for the right of way for Lateral Canal No. 32 and we will require the West 60 feet of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 16 for the right of way for Equalizing Canal No. 2E. We will accept a Quit Claim Deed or an Easement (on our form), whichever the owner prefers.
9. No building permits would be issued until connection to an upgraded county utility system #3 is assured.
10. Petitioner shall assent to the road construction program outlined in the traffic engineering report.
11. Building height shall be limited to 3 stories maximum on the northern half of this property and to 2 stories maximum on the southern half,.

Commissioner Gregory , moved for approval of the petition.

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

Frank Foster, Chairman	Aye
Norman Gregory, Vice Chairman -	Aye
Bill Bailey, Member	Aye
Dennis Koehler, Member	Aye
Peggy B. Evatt, Member	Aye

The foregoing resolution was declared duly passed and adopted
this 29th day of September, 1981, confirming action of
27 August 1981.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Van Allen*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney

