

RESOLUTION NO. R- 82-336

RESOLUTION APPROVING ZONING PETITION 82-8, SpecialException

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. 82-8 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28 January 1982; 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 28th day of January, 1982, that Petition No. 82-8 the petition of JAMES M. WALLACE by John H. Winningham, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the South 1/2 of the North 1/2 of the Southeast 1/4, excepting

therefrom the East 50 feet thereof and, the North 1/2 of the North 1/2 of the South 1/2 of said Southeast 1/4 excepting therefrom the East 50 feet thereof, in Section 11, Township 46 South, Range 42 East. Said property located on the west side of Military Trail (S.R. 809), approximately 150 feet north of Ferndale Drive, was approved as advertised subject to the following conditions:

1. Petitioner shall:
 - a. Convey to Palm Beach County within ninety (90) days of Special Exception approval:
 - a) 60 ft. from centerline for the ultimate right-of-way for Military Trail
 - b) 108 ft. for the ultimate right-of-way for Lake Ida Road, per the County Engineer's approval
 - b. Construct prior to the issuance of a Certificate of Occupancy:
 - a) Lake Ida Road as a 3-lane roadway from Military Trail to the project's west property line per the County Engineer's approval
 - b) At the intersection of Military Trail and Lake Ida Road:
 - a. left turn lane, south approach
 - b. left turn lane, west approach
 - c. Signalization at the intersection of Lake Ida Road and Military Trail, when warranted, as determined by the County Engineer, but shall be no later than five (5) years after the issuance of the final Certificate of Occupancy.
 - d. Provide the construction plans for Military Trail as a 4-lane median section from the entrance to High Point of Delray North to the entrance to Piper Glen per the County Engineer's approval, prior to or concurrent with the filing of the first plat OR within six (6) months of Special Exception approval, whichever occurs first.
 - e. Contribute Thirty-four Thousand, Nine Hundred and Fifty Dollars (\$34,950.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid on a pro-rata basis at the time of the filing of each plat. Credit shall be given towards the impact fee for the construction plans as outlined in Condition No. 1(d).
2. 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.
3. The developer will take necessary precautions to insure there will be no pollutant run-off from this **project** to adjacent or nearby surface waters.

4. Per the request of the Lake Worth Drainage District petitioner shall convey to the District by easement' or quit claim deed acceptable to the District, the E 20 feet of the W 60 feet of the S 1/2 of the N 1/2 of the SE 1/4 and the E 20 feet of the W 60 feet of the N1/2 of the N 1/2 of the S 1/2 of the SE 1/4 all lying in Section 11, Township 46 South, Range 42 East for the right of way for Equalizing Canal No. 3-.
5. Master plan revisions are to provide two story units with open space along the northern boundaries.
6. Petitioner shall reduce parking tract lengths to the maximum of 600 ft.
7. Petitioner shall provide maintenance easements around the lake.
- a. Petitioner shall provide building separation as required by Code.
9. Certification of the Master Plan and Platting is contingent upon the Petitioner's tying into County System No. 3.

Commissioner Evatt , moved for approval of the petition.

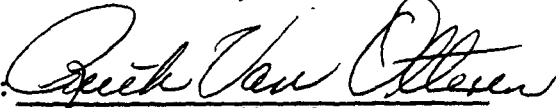
The motion was seconded by Commissioner Koehler , and upon being put to a vote, the vote was as follows:

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|----------------------------|--------|
| Norman Gregory, Chairman | AYE |
| Peggy Evatt, Vice Chairman | AYE |
| Bill Bailey, Member | AYE |
| Dennis Koehler, Member | AYE |
| Frank Foster, Member | ABSENT |

The foregoing resolution was declared duly passed and adopted this 30th day of March, 1982 , confirming action of 28 January 1982.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: 
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney

