

RESOLUTION NO. R-83-1032

RESOLUTION APPROVING ZONING PETITION 73-85(A), Special Exception  
to amend 73-85

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. 73-85(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24th March 1983; 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 proposals are consistent with the Comprehensive Plan under the vesting provisions of the Land Use Plan.
2. The proposal is consistent with all Performance Standards since impacts are being reduced from the current approval.
3. The proposal meets all zoning code requirements.
4. The proposal configuration of density and open spaces will be compatible with existing and proposed developments.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 24th day of March, 1983, that Petition No. 73-85(A) the petition of MARKBOROUGH PROPERTIES, LTD., By William C. Powell AND C.D. Brooks, Agents, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR BOCA POINTE PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 73-85 By RELOCATION OF OPEN SPACES WITHIN AND BY DELETING 28 DWELLING UNITS FROM Lands in Sections 27, 33 and 34, Township 47 South, Range 42 East, being more particularly described as follows:

The South 1/2 of Tracts 6 through 20, inclusive, of Palm Beach Farms Company Plat No. 6, as recorded in Plat Book 5, Page 75, located in the South 1/2 of the South 1/2 of Section 27, Township 47 South, Range 42 East, LESS a ten acre parcel in the Northeast corner of said lands, more particularly described as the East 660 feet of the North 660 feet of the South 1/2 of Tracts 6, 7 and 8 of the Palm Beach Farms Company Plat No. 6, located in the South 1/2 of the South 1/2 of Section 27, Township 47 South, Range 42 East, as deeded per instrument recorded in Official Record Book 1863, Page 240, also less the property described as Boca Del Mar No. 14, as recorded in Plat Book 37 at Page 152, and by RELOCATION OF OPEN SPACES WITHIN AND BY ADDING 348 DWELLING UNITS TO the North 1/2 of Tracts 6 through 20, inclusive, of Palm Beach Farms Company Plat No. 6 located in the North 1/2 of Section 34, Township 47 South, Range 42 East, lying North of the North right-of-way line of S.W. 18th Street as shown on the Plat of Boca Pointe No. 4 as recorded in Plat Book 43, Page 194-196 and by DELETING 522 DWELLING UNITS FROM a parcel of land lying in Section 33, Township 47 South, Range 42 East, said parcel being more particularly described as follows: Beginning at the Southeast corner of the Plat of Boca Pointe No. 1 as recorded in Plat Book 42, Pages 141-143; thence with a bearing of South 00°27'48" East along the West right-of-way line of Powerline Road, a distance of 1187.499 feet to a point lying on the proposed North right-of-way line of the Hillsboro Canal; thence with a bearing of North 89°59'43" West, along said proposed North right-of-way line a distance of 2360.26 feet to a point; thence with a bearing of North 01°07'20" West, a distance of 1190.99 feet to a point lying on the South right-of-way line of S.W. 18th Street and the South line of the aforesaid Plat of Boca Pointe No. 1; thence with a bearing of North 88°52'40" East along said South line, a distance of 1974.04 feet to a point; thence with a bearing of South 83°59'15" East, a distance of 402.54 feet, more or less, to the Point of Beginning, for an overall reduction of 202 units. REQUEST TO PLACE A GUARD GATE AT THE NORTH END OF VIA DE SONRISA DEL NOTRE. Said property located on the southwest corner of the intersection of Powerline Road and S.W. 18th Street, also on the north side of S.W. 18th Street, approximately 170 feet east of

Powerline Road in an RS-Residential Single Family District, was approved as advertised subject to the following conditions:

1. The developer shall comply with the previous conditions of approval for Petition No. 73-85.
2. The development shall retain on-site the first one inch of the storm-water runoff per the requirements of the Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.
3. The developer shall construct at the time of the construction of SW 18th Street, at it's intersection with Via De Sonrisa Del Sur:
  - a) left turn lane, north approach
  - b) left turn lane, south approach
  - c) left turn lane, east approach
  - d) left turn lane, west approach
  - e) right turn lane, east approach
4. The developer shall take reasonable precautio<sup>ris</sup> during the development of this property to insure that fugitive **particulates** (dust particles) from this project do not become a nuisance to neighboring properties.
5. The developer shall take necessary measures during the development of this property to prevent pollutant **run-off** to neighboring and nearby surface waters.

Commissioner Wilken, moved for approval of the petition.

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

|                             |          |     |
|-----------------------------|----------|-----|
| Peggy E. Evatt, Chairman    | - ABSENT | ___ |
| Ken Spillias, Vice Chairman | - AYE    |     |
| Dennis P. Koehler, Member   | - ABSENT |     |
| Dorothy Wilken, Member      | - AYE    |     |
| Bill Bailey, Member         | - AYE    |     |

The foregoing resolution was declared duly passed and adopted this 13th day of September, 1983, confirming action of 24th March 1983.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: Judy Madler  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

John G. ...  
County Attorney

