

RESOLUTION NO. R- 84-821

RESOLUTION APPROVING ZONING PETITION 84-8, Special Exception

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. 84-8 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 23rd February 1984; 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 proposed special exception is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 23rd day February 1984, that Petition No. 84-8 the petition of THE SATTER COMPANY, INC. , By Sherry Lefkowitz Hyman, Agent , for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the South 1/2 of the Northeast 1/4 of Section 25, Township 42 South, Range 42 East, less and except the East 230 feet thereof, and less and except the South 35 feet thereof, and less and except the West 58 feet thereof. Said property located on the east side of Military Trail (S.R. 809), approximately .1 mile north of Blue Heron Boulevard, being bounded on the east by I-95 (S. R. 9) was approved as advertised subject to the following conditions:

1. The Developer shall:
  - a. Provide the construction plans for Military Trail as a 4-lane median divided section (expandable to 6-lanes) from a point 200 feet north of the project's entrance south to a point 200 feet north of Blue Heron boulevard including the appropriate taper-5 per the County Engineers approval. These plans shall be complete within 6 months of Special Exception approval or prior to the issuance of a Building Permit, whichever shall first occur. These plans shall contain, but not be limited to, sidewalks, curb and gutter and drainage.
  - b. Construct Military Trail as a 4-lane median divided section from a point 200 feet north of the project's entrance road south to a point 200 feet north of Blue Heron Blvd. as outlined in Condition #1 above. This construction shall be completed and accepted by Palm Beach County within 2 years of Special Exception approval or prior to the issuance of 175 Building Permits, whichever shall first occur.
2. The developer shall construct at the project's entrance road and Military Trail concurrent with the road construction of Military Trail concurrent with the road construction of Military Trail as outlined in Condition #1 above:
  - a) right turn lane, south approach
  - b) left turn lane, north approach.
3. The developer shall construct signalization at the project's entrance road and Military Trail when warranted as determined by the County Engineer., concurrent with the first plat.
4. Design of the road drainage for Military Trail shall accommodate the runoff from the road adjacent to this property and shall be subject to all governmental agency requirements.
5. Credit shall be applied toward the impact fee of Sixty Thousand Nine Hundred Dollars (\$68,300) based upon a certified cost estimate for the road construction of Military Trail as outlined in Condition #1 above.
6. Should the developer seek to obtain building permits for the first 175 building permits, the developer shall post surety in the amount of \$200 per dwelling unit. These monies shall then be refunded to the developer after completion of Military Trail.
7. The property owner shall convey for the ultimate right-of-way of Military Trail, 160 feet from centerline approximately an additional 10 feet within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of the first building permit.
8. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.
3. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.
18. Reasonable measures shall be employed during site development to ensure that no pollutants from this property shall enter adjacent or nearby surface waters.
11. Prior to certification, the master plan shall be amended to provide for the following:
  - a) a noise barrier composed of a berm and solid fence equivalent in height to four- (4) feet above the crown of pavement of 1-35 supplemented by dense landscaping.

b) landscape treatment within the northern buffer- area shall include credit for preserving existing vegetation and supplemental landscaping to provide continuous 75% opaque screening.

c) preservation of significant native vegetation to be reflected on parcel site plans.

12. Prior to the issuance of certificates of occupancy for units within Pods "C" and "D", the developer shall provide to the County's Zoning Compliance Section an acoustical certification that each unit meets the County's interior ambient noise level restrictions.

13. This development shall further be limited to 175 building permits until Military Trail is 4-laned from the present 4-lane terminus north of Beeline Highway north to a point 200 feet north of this project's entrance.

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:

Ken Spillias, Chairman	-- AYE
Dorothy Wilkens, Vice Chair-mart	-- AYE
Dennis P. Koehler, Member	-- AYE
Peggy E. Evatt, Member	-- AYE
Bill Bailey, Member	-- AYE

The foregoing resolution was declared duly passed and adapted this 19th day of June, 1984, confirming action of 23rd February 1384.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Sandie Slouka  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
County Attorney

