

RESOLUTION NO. R- 85-1876N

RESOLUTION APPROVING ZONING PETITION 85-86, 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. 85-86 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 22nd August 1985; 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. Petitioner has voluntarily agreed to provide \$250.00 per dwelling unit, total PUD dwelling unit count of 181 units, for a total of \$45,250 to the School Board of Palm Beach County, for school site acquisition and for site related improvements. These funds shall be provided in full to the School Board with 90 days of the date of the resolution of approval.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 22nd of August 1985, that Petition No. 85-86 the petition of WINDWARD DEVELOPMENT & INVESTMENTS, INC., By John Trussler, President, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the West 1/2 of the Southwest 1/4 of the Southeast 1/4 of the Northeast 1/4, less the West 20.0 feet thereof, together with the East 1/2 of the Southwest 1/4 of the Southeast 1/4 of the Northeast 1/4, less the East 15.0 feet of the North 355.0 feet thereof, together with

the South 2 acres of the East 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 (includes that portion of Quail Drive adjacent to the above described property).

All lying in Section 25, Township 43 South, Range 42 East. Said property located on the west side of Quail Drive, approximately 400 feet south of Westgate Avenue, being bounded on the south by the L.W.D.D. Lateral Canal No. 2 was approved as advertised subject to the following conditions:

1. Prior to site plan certification the master plan shall be amended to reflect the following;
  - a) Housing category grouped pursuant to the requirements of code section 402.7.B.3.2) (A), (B), or (C).
  - b) North indicator up with graphic scale.
  - c) Specify exact number of residential units planned for each phase, tract, or pod, and label same with the unit grouping category pursuant to zoning code section 402.7.B.3.2.) (A), (B), or (C).
2. Prior to site plan certification, the petitioner shall post a performance security acceptable to the County Attorney's Office, to ensure improvement of the recreation area indicated as a life estate on the master plan.
3. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
4. 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.
5. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
6. 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.
7. The property owner shall construct:
  - a) Right turn lane east approach, on Westgate Avenue at Indian Road.
  - b) Right turn lane, west approach, on Westgate Avenue at Quail Drive.
  - c) Two (2) approach lanes, north approach, on Indian Road at Okeechobee Blvd.
  - d) Signalization when warranted, as determined by the County Engineer, at Quail Drive at Westgate Avenue.

concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. As an alternative, should this construction not be feasible per the County Engineer's approval, this property owner may substitute a cash payment for the cost of this construction based upon a Certified Cost Estimate per the County Engineer's approval.

8. The petitioner shall convey to the Lake Worth Drainage District the South 23.00 feet of the Southwest Quarter of the Southeast

Quarter of the Northeast Quarter of Section 25 - 43/42, Less the West 20.00 feet thereof, for the required right-of-way for Lateral Canal No. 2, by Quit Claim Deed or an Easement Deed in the form provided by said District, within ninety (90) days of adoption of the resolution by the Board of County Commissioners.

9. The developer shall modify the Master Plan to provide a minimum of 50 ft. right-of-way for Quail Drive from Westgate Avenue to the project's entrance.

10. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

11. The developer shall permit access to the RM zoned parcel abutting this site on the southwest, so long as that property remains in its current use.

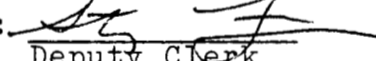
Commissioner Spillias, moved for approval of the petition. The motion was seconded by Commissioner Marcus, and upon being put to a vote, the vote was as follows:

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	ABSENT
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this *19th* day of *NOVEMBER 1985* confirming action of the 22nd August 1985.

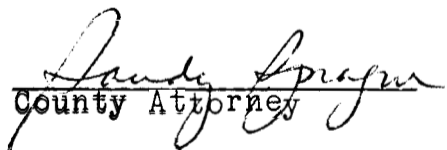
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
County Attorney