

RESOLUTION NO. R-79-199

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, 79-31 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25 January 1979.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 25th day of January, 1979, that petition No, 79-31 the petition of MYRON SPONDER, HARVEY TOLIN and NORMAN PURCEL, by Raymond Sponder, Agent, for the REZONING, FROM AG-AGRICULTURAL DISTRICT TO RE-RESIDENTIAL ESTATE DISTRICT AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on all of Tracts 5 and 6; East 1/2 of Tract 9; West 1/2 of Tract 11; all of Tracts 12, 21 to 28 both inclusive, 37 to 40 both inclusive; 43, 44, 53, 54, 57 to 60, both inclusive, and that part of Tracts 4, 29, 36 and 61 lying West of Westerly right-of-way of Sunshine State Parkway, all in THE PALM BEACH FARMS CO. PLAT No. 1 in Section 20, Township 46 South, Range 42 East, as recorded in Plat Book 2, pages 26-28. Said property located on the south side of Delray West Road (S.R. 806), being bounded on the east by Florida's Turnpike, was approved as advertised subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet from centerline for Delray West Road.
2. Petitioner shall construct left turn lane, east approach, on Delray West Road,
3. Petitioner shall construct all road radii according to Palm Beach County Standards.

4. Petitioner shall abandon Palm Beach Farms platted roads.
5. Petitioner shall contribute Twenty-Three Thousand Five Hundred Dollars (\$23,500.00) towards the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that, regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above Twenty-Three Thousand Five Hundred Dollars (\$23,500.00) towards alleviating some of its traffic impacts.
6. The Petitioner shall enter into a formal contract with the School Board of Palm Beach County to contribute .4 of 1% of the selling price of each residential dwelling unit in a planned unit development on a one time initial sales basis. However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above .4 of 1% of the initial sales price toward alleviating some of the development's school impact.
7. The land area designated on the plans submitted as the required dedicated government site must be conveyed to Palm Beach County without charge to the County, and must be provided with public access.
8. Petitioner must convey to the Lake Worth Drainage District the South 75.00 feet of the North 85.00 feet of Tracts 4, 5, 6, East Half of 9, West Half of 11 and all of Tract 12, Block 20, Palm Beach Farms Co., Plat No. 1, P.B. 2, pages 26 to 28, for right-of-way for Lateral Canal No. 34. We will require an additional 35.00 feet immediately west of and contiguous with existing West right-of-way line of Equalizing Canal No. 2-w. This conveyance may be by either a Quit Claim Deed or an Easement, whichever the owner prefers.
9. The proposed road right-of-way providing access to Delray West Road for the outparcel farm must be a public road and must be constructed prior to the issuance of any building permits in this development.
10. The developer must install a six (6) foot high fence on the adjacent property along the entire west property line of this development for security against dangerous interaction between residents and the adjacent crop dusting facility. This fence must be augmented by the installation of a berm planted with trees to reduce noise disturbance.
11. The developer shall insure that all prospective purchasers are advised of the adjacent airport with its crop dusting orientation as well as the potential noise, health and safety (physical) hazard which the airport use poses to the residents.
12. The developer must conduct a noise study on the subject property after the required berms and trees are installed, to measure the noise level created by aircraft using the adjacent air strip.
13. The developer shall provide additional buffering where necessary to reduce noise levels to below 60 db on the entire subject site. This additional buffering must be approved by the Health Department.

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

Bill Bailey, Chairman	-	Yes
Dennis Koehler, Vice Chairman	-	Yes
Peggy Evatt, Member	-	Yes
Frank Foster, Member	-	Yes
Norman Gregory, Member	-	Yes

The foregoing resolution was declared duly passed and adopted  
this 13th day of February, 1979, confirming action of  
25 January 1979.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Beth Ann (Attorney)*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*W. S. Duff*  
County Attorney

