

RESOLUTION NO. R-81-316

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. 81-1 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26 February 1981; 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
2. The proposal would be consistent with the needs of the County for land areas for specific purposes to serve population and economic activities

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 17th day of March, 1981, that Petition No. 81-1 the petition of FPA CORPORATION by Wayne Zufelt of Craven, Thompson and Associates, Inc., Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a portion of Section 36, Township 46 South, Range 42 East and Section 31, Township 46 South, Range 43 East, being more particularly described as follows: Beginning at the Southeast corner of said Section 36; THENCE North  $89^{\circ}40'13''$  West, along the Northerly right-of-way line of Lake Worth Drainage District Canal L-40 (said Northerly right-of-way line of Canal L-40 also being the Southerly line of said Section 36), a distance of 5323.28 feet to a point on the Easterly right-of-way line of Military Trail, said Easterly right-of-way line being 40.00 feet East of, as measured at right angles to, the West line of said Section 36; THENCE North along said Easterly right-of-way line of Military Trail, a distance of 610.01 feet to a point on the Northerly right-of-way line of a Florida Power and Light Easement as recorded in O.R. Book 1590, page 235, said point also being the Southwest corner of Pheasant Walk Section Two as recorded in Plat Book 32, page 111; THENCE South  $89^{\circ}40'13''$  East, along the Northerly right-of-way line of said Florida Power and Light Easement, said line also being coincident with said South line of Pheasant Walk Section Two, and also being coincident with the South line of Pheasant Walk Section Three (Plat Book 33, page 15) and Pheasant Walk Section Five (Plat Book 35, page 13), a distance of 4124.83 feet to the Southeast corner of said Pheasant Walk Section Five; THENCE South  $89^{\circ}40'13''$  East, along the prolongation of the last described line, a distance of 235.00 feet; THENCE North  $00^{\circ}19'47''$  East, at right angles to the last described course, a distance of 280.02 feet; THENCE South  $89^{\circ}40'13''$  East, at right angles to the last described course, a distance of 240.00 feet;

THENCE North  $89^{\circ}41'54''$  East a distance of 82.72 feet; THENCE North  $80^{\circ}32'01''$  East a distance of 79.88 feet; THENCE North  $69^{\circ}07'29''$  East a distance of 75.18 feet; THENCE North  $58^{\circ}03'45''$  East a distance of 75.18 feet; THENCE North  $47^{\circ}00'01''$  East a distance of 75.18 feet; THENCE North  $35^{\circ}35'29''$  East a distance of 79.88 feet; THENCE North  $23^{\circ}50'08''$  East a distance of 79.88 feet; THENCE North  $12^{\circ}25'35''$  East a distance of 75.18 feet; THENCE North  $02^{\circ}13'48''$  East a distance of 77.14 feet; THENCE North  $00^{\circ}19'47''$  East a distance of 247.50 feet; to a point on the South line of Pheasant Walk Section Six as recorded in Plat Book 35, page 193; THENCE South  $89^{\circ}40'13''$  East a distance of 170.00 feet; THENCE North  $00^{\circ}19'47''$  East a distance of 39.61 feet; THENCE South  $89^{\circ}40'13''$  East a distance of 110.49 feet; THENCE North  $00^{\circ}18'55''$  East a distance of 1096.97 feet; THENCE North  $89^{\circ}50'20''$  West a distance of 700.00 feet (the last mentioned five courses being coincident with a portion of the Southerly, Easterly, and Northerly boundary of said Pheasant Walk Section Six); THENCE North  $12^{\circ}13'56''$  East a distance of 2117.99 feet; THENCE North  $00^{\circ}01'23''$  East a distance of 500.00 feet to a point 120.00 feet South of, as measured at right angles to, the North line of said Section 36 (said line also being the Southerly right-of-way line of Lake Worth Drainage District Canal L-38); THENCE South  $89^{\circ}58'37''$  East, along a line 120.00 feet South of and parallel with the North line of said Section 36, a distance of 262.33 feet to a point on the West line of said Section 31; THENCE South  $89^{\circ}26'07''$  East, along a line 120.00 feet South of and parallel with the North line of said Section 31, a distance of 1937.68 feet to the intersection of the Southerly right-of-way line of said Canal L-38 and the Westerly right-of-way line of Lake Worth Drainage District Canal E-4; THENCE South  $01^{\circ}38'57''$  East, along the Westerly right-of-way line of said Canal E-4, a distance of 2568.43 feet; thence South  $05^{\circ}26'60''$  West, along said Westerly right-of-way line of Canal E-4 a distance of 570.86 feet to a point on the Westerly right-of-way' line of Congress Avenue; THENCE South  $47^{\circ}58'39''$  West a distance of 620.37 feet to the point of curvature of a curve

concave to the Southeast; THENCE Southwesterly and Southerly along the arc of said curve an arc distance of 1640.43 feet (said curve having a central angle of 47°40'56" and a radius of 1971.17 feet) to the point of tangency; THENCE South 0°17'43" West a distance of 248.72 feet (the last mentioned three courses being coincident with a portion of the Westerly right-of-way line of Congress Avenue) to a point on the South line of said Section 31 said line also being the Northerly right-of-way line of said Lake Worth Drainage District Canal L-40; THENCE North 89°41'45" West, along the Southerly line of said Section 31, on and along the Northerly right-of-way line of said Canal 140, a distance of 869.69 feet to the Point of Beginning. Said property located on the northeast corner of the intersection of Military Trail (S.R. 809) and Clint Moore Road, being bounded on the east by L.W.D.D. Canal E-4 in an RS-Residential Single Family District, was approved with conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County:
  - a. sixty (60) feet from centerline for the ultimate right-of-way for Military Trail
  - b. sixty (60) feet from centerline for the ultimate right-of-way for Congress Avenue
2. Petitioner shall provide for the interior loop road to be a minimum of eighty feet right-of-way.
3. Petitioner shall construct Congress Avenue as a 4-lane median divided section from New Clint Moore Road to the project's north propertyline on Congress Avenue. This construction is to begin after the first 324 units have been platted and shall be completed within two (2) years of Special Exception approval.
4. After the issuance of the first 800 Certificates of Occupancy, the County Engineer shall review the traffic circulation on Congress Avenue, and if warranted, the petitioner shall construct the northerly access road to additionally serve this development.
5. Petitioner shall construct at Congress Avenue and the project's north entrance road (in conjunction with Condition No. 4):
  - a. right turn lane, north approach
  - b. left turn lane, south approach
  - c. one lane entering, two lanes exiting
  - d. signalization when warranted by the County Engineer

The foregoing resolution was declared duly passed and adopted  
this 17th day of March, 1981, confirming action of  
26 February 1981.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Van Otteren*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*Sam M. [Signature]*  
County Attorney

