

RESOLUTION NO. R- 81-1357

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. 81-88 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24 September 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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 24th day of September, that Petition No. 81-88 the petition of VILLA DELRAY INVESTORS LTD., by Ralph DeChiaro, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land lying in Section 11, Township 46 South, Range 42 East, being more particularly described as follows:

Commencing at the East Quarter **corner** of Section 11; thence with a bearing of South $89^{\circ}20'58''$ West, along the East-West Quarter Section line of Section 11, a distance of 60.00 feet to a point on the West right-of-way line of **Military Trail (S.R. 809)** said point being the Point of Beginning; thence with a bearing of South $0^{\circ}19'42''$ East, along the West right-of-way line of Military Trail right-of-way a distance of 670.99 feet to a point; thence with a bearing of South $89^{\circ}17'12''$ West, a distance of 1942.41 feet; thence North $0^{\circ}23'46''$ West, a distance of 593.11 feet; thence North $89^{\circ}20'58''$ East, a distance of 237.30 feet; thence North $0^{\circ}25'07''$ West, a distance of 80.00 feet to a point on the East-West Quarter line of Section 11; thence with a bearing of North $89^{\circ}20'58''$ East, along the East-West Quarter Line of Section 11, a distance of 1705.92 feet more or less to the Point of Beginning, Subject to the right-of-way for Via Delray as recorded in O.R. Book 2226, page 1210, Less Parcel "C", a parcel of land lying in Section 11, Township 46 South, Range 42 East, being more particularly described as follows: Commencing at the East Quarter corner of Section 11; thence with a bearing of South $89^{\circ}20'58''$ West, along the East-West Quarter Line of Section 11, a distance of 60.00 feet to a point on the West right-of-way line of Military Trail (S.R. 809); thence with a bearing of South $0^{\circ}19'42''$ East, along the West right-of-way line of Military Trail right-of-way a distance of 286.15 feet to a point on the South right-of-way line of Via Delray, as recorded in O.R. Book 2226, page 1210, said point being the Point of Beginning; thence continue along the aforementioned West right-of-way line of Military Trail a distance of 384.84 feet; thence with a bearing of South $89^{\circ}17'12''$ West, a distance of 384.73 feet; thence with a bearing of North $0^{\circ}39'02''$ West, a distance of 410.40 feet to a point on the South right-of-way line of Via Delray; thence with a bearing of North $89^{\circ}20'58''$ East, along the South right-of-way line of Via Delray, a distance of 361.89 feet to a point; thence with a bearing of South $48^{\circ}29'22''$ East, a distance of 35.46 feet more or less to the Point of Beginning, and Less Parcel "P", a parcel of land lying in Section 11, Township 46 South, Range 42 East, being more particularly described as follows: Commencing at the

East Quarter Corner of Section 11; thence with a bearing of South 89°20'58" West, along the East-West Quarter Section line of Section 11, a distance of 60.00 feet to a point on the West right-of-way line of Military Trail, (S.R. 809) said point being the Point of Beginning; thence with a bearing of South 0°19'42" East, along the West right-of-way line of Military Trail right-of-way a distance of 130.14 feet to a point on the North right-of-way of Via Delray as recorded in O.R. Book 2226, page 1210, thence with a bearing of South 44°30'33" West, along the Northerly right-of-way line of Via Delray a distance of 35.26 feet; thence with a bearing of South 89°20'58" West, along the North line of Via Delray; said line being 155.00 feet South of and parallel to the East-West Quarter Line of Section 11, a distance of 362.77 feet to a point; thence with a bearing of North 0°39'02" West, a distance of 155.00 feet to a point on the East-West Quarter Line of Section 11; thence with a bearing of North 89°20'58" East, along the East-West Quarter Line a distance of 388.50 feet more or less to the Point of Beginning. Said property located approximately 450 feet west of Military Trail (S.R. 809) and being bounded on the north by L.W.D.D. Lateral Canal No. 31, was approved as advertised subject to the following conditions:

1. Petitioner shall construct at each of the project's entrances onto Via Delray a left turn lane, west approach, prior to the issuance of a Certificate of Occupancy.
2. Petitioner shall contribute Sixteen Thousand Eight Hundred Dollars (\$16,800.00) toward the cost of-meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permits .
3. The developer will take reasonable precautions during the development of this project to insure that fugitive **particulates** (dust particles) from this project do not become a nuisance to neighboring properties.
4. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.

Commissioner Koehler, 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:

Frank Foster, Chairman	- NAY
Norman Gregory, Vice Chairman	- NAY
Bill Bailey, Member	- AYE
Dennis Koehler, Member	- AYE
Peggy B. Evatt, Member	- AYE

The foregoing resolution was declared duly passed and adopted
this 27th day of October, confirming action of
24 September 1981.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Ann Ottens*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Joseph B. ...
County Attorney