

RESOLUTION NO. R-81-1370

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. 81-165 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. 81-165 the petition of ALVIN WILENSKY, TRUSTEE, by F. Martin Perry, Attorney, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT **on** two (2) parcels of land in the Southeast 1/4 of Section 29, Township 41 South, Range 43 East, designated as Parcel 'A' and Parcel 'B', being

more particularly described as follows: Commencing at the Northwest corner of the Southeast 1/4 of Section 29, Township 41 South, Range 43 East, (for convenience, the North line of said Southeast 1/4) is assumed to bear South 87°38'14" East and all other bearings mentioned herein are relative thereto); thence run South 1°50'48" West along the West line of said Southeast 1/4, which is the centerline of Prosperity Farms Road, as now laid out and in use, a distance of 490.00 feet; thence run South 87°38'14" East a distance of 40.00 feet to a point on the East right-of-way line of said Prosperity Farms Road, this being the Point of Beginning of the parcel herein described: thence continue South 87°38'14" East a distance of 360.00 feet; thence run North 2°21'46" East a distance of 45.00 feet; thence run South 87°38'14" East, a distance of 783.71 feet to a point on the Westerly right-of-way line of the Intracoastal Waterway; thence run South 15°50'59" East on said Right-of-Way Line a distance of 470.28 feet to a point on the East line of the West 1/2 of said Southeast 1/4 of Section 29; thence run South 1°43'58" West on said East line a distance of 99.46 feet; thence run North 87°38'14" West a distance of 1287.27 feet to a point on said East right-of-way line of Prosperity Farms Road; thence run North 1°50'48" East on said Right-of-Way line a distance of 501.19 feet to the Point of Beginning, together with the South 363.57 feet of the North 1354.76 feet of the West 1/2 of the Southeast 1/4, LESS the West 40.00 feet thereof for County Road Right-of-Way (Prosperity Farms Road), Also, that portion of the East 1/2 of the Southeast 1/4 lying West of the Centerline of the Intracoastal Waterway of the Florida Inland Navigation District from Jacksonville to Miami, Florida, as that line is shown on plat recorded in Plat Book 17, at page 7, together with the following description, as a point of reference, commence at the Southwest corner of the said East 1/2 of the Southeast 1/4 and run North on the West line of the said east 1/2 of the Southeast 1/4 of Section 29, a distance of 1400 feet for a Point of Beginning; From said Point of Beginning continue North on the West line of the said East 1/2 of the Southeast 1/4 of Section 29, a distance of 300 feet to a point; thence run East on a line parallel to and 1700

feet distance North from the South line of the said East 1/2 of the Southeast 1/4 of Section 29, a distance of 27.92 feet to the West right-of-way line of the Florida Inland Navigation District; thence continue East on this said line 263 feet, more or less, to the said Centerline of the Intracoastal Waterway; thence Southeasterly on the said Centerline of the Intracoastal Waterway to an intersection with a line that is parallel to and 1400 feet distance North from the South line of the said East 1/2 of the Southeast 1/4 of Section 29; thence run West on said line which is 1400 feet North of and parallel to the South line of said East 1/2 of the Southeast 1/4 of Section 29, 263 feet, more or less, to the West right-of-way line of the Florida Inland Navigation District; thence continue West on this said line to the Point of Beginning; Also, all that part of the North 100 feet of the South 1800 feet of the East 1/2 of the Southeast 1/4 of Section 29, Township 41 South, Range 43 East, lying West of the Westerly Right-of-Way line of the Florida Inland Navigation District, as shown on the Plat recorded in Plat Book 17, page 7, also the North 300 feet of that certain 25 foot right-of-way easement as described and recorded in Deed Book 856, pages 576 and 577. Said property located on the east side of Prosperity Farms Road, approximately 150 feet north of Windsor Road and being bounded on the west by the Intracoastal Waterway in an RS-Residential Single Family District, was approved as advertised subject to the following conditions:

1. Petitioner shall convey to Palm Beach County within ninety (90) days of Special Exception approval 54' from centerline for the ultimate right-of-way for Prosperity Farms Road.
2. Petitioner shall construct at the project's entrance road and Prosperity Farms Road concurrent with the filing of the first plat:
  - a. right turn lane, south approach
  - b. left turn lane, north approach
3. Petitioner shall contribute Twenty-one Thousand Eight Hundred Dollars (\$21,800.00) 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.
4. 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,

5. The developer will take necessary precautions to-insure there will be no pollutant run-off from this project to adjacent **or** nearby surface waters.
6. If the Florida Dept. of Environmental Regulation requires any significant change to the site plan, **this petition** shall be re-heard by the Board of County Commissioners.

Commissioner Bailey, moved for approval of the petition.

The motion was seconded by Commissioner Gregory, and upon being put to a vote, the vote was as follows:

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

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 Ottewill*  
 Deputy Clerk

APPROVE AS TO FORM  
 AND LEGAL SUFFICIENCY

*[Signature]*  
 County Attorney

