

RESOLUTION NO. R-83-793

RESOLUTION APPROVING ZONING PETITION 83-28, 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. 83-28 was presented to the Board of County Commissioners of Palm Beach at its public hearing conducted on 28th April 1983; 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 falls within the density limits of the Low to Medium Plan Category.
2. The proposed development does meet the Mandatory Performance Standards.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day of April, 1983, that Petition No. 83-28 the petition of HERBERT W. BIGGS by David Carpenter, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the South 1/2 of the North 1/2 of Section 35, Township 41 South, Range 42 East, less the East 1/2 of the Southeast 1/4 of the Northeast 1/4 and less the West 3/4 of the North 1/2 of the Southwest 1/4 of the Northeast 1/4 and less the right-of-way of Hood Road as described in Deed Book 1142, Page 334 and Deed Book 1139, at Page 281 and less the overpass right-of-way described in minutes of the Circuit Court Book 70, Page 442. Said property located on the southeast corner of the intersection of Hood Road and Florida's Turnpike, was approved as advertised subject to the following conditions:

1. The developer shall construct Military Trail as a It-lane median divided section from P.G.A. Blvd. north to Hood Road concurrent with the project's development.
2. The property owner shall **convey to** Palm Beach County within ninety (90) days of approval:
  - a) 54 feet from centerline for the right-of-way for Hood Road. -(Approximately an additional 14 feet of right-of-way).
  - b) The additional right-of-way for Hood Road overpass over I-95 and the Florida Turnpike per the County Engineer's approval.
  - c) 372 feet through the proposed project for the right-of-way for I-95, per the County Engineer's approval.
3. The developer shall construct, concurrent with the filing of the first plat:
  - a) A right turn lane north approach on Alternate A1A at it's intersection with P.G.A. Boulevard.
  - b) A right turn lane west approach on Hood Road at it's -intersection with Military Trail.
  - c) Signalization at the intersection of Hood Road and Military Trail if and when warranted by DOT.
4. The developer shall construct concurrent with the construction of the three project's entrance roads at their intersection with Hood Road:
  - a) Left turn lane, east approach
  - b) Right turn lane, west approach.
5. The vertical and the horizontal alignment of the project's entrance roads onto Hood Road, shall be as determined by the County Engineer.
6. The development must retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.
7. The developer shall 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.
8. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
9. The Master Plan shall provide for and specify the privacy between townhouse clusters, noise mitigation measures adjacent to the Florida's Turnpike and I-95, recreation facilities, and preservation of significant native vegetation.
10. Prior' to issuance of building permits. for the units east of I-95, the developer shall provide certification from an accoustical engineer that the noise levels within these units will conform to HUD and DOT standards.

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

Peggy E. Evatt, Chairman	- AYE
Ken Spillias, Vice Chairman	- AYE
Dennis P. Koehler, Member	- ABSENT
Dorothy Wilken, Member	- ABSENT
Bill Bailey, Member	- AYE

The foregoing resolution was declared duly passed and adopted this 19th day of July, 1983, confirming action of 28th April, 1983.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

BY Lisa Cropp  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

John Bartlett  
County Attorney