

RESOLUTION NO. R- 83-989

RESOLUTION APPROVING ZONING PETITION 83-60, 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. 83-60 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26th May 1983; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the **recommendatons** 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 proposed rezoning and special exception for a 4.36 dwelling units per acre Planned Unit Development are consistent with the Land Use Plan and Mandatory Performance Standards of the Comprehensive Plan.
2. The proposed development is consistent with similar developments in the immediate area.
3. The proposed Master Plan does not adequately specify the open space and recreation amenities package for this development.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this **26th** day May 1983, that Petition no. 83-60 the petition of TRACANA, INC. By Harvey **Geller**, President, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land situate in Section 26, Township 45 South, Range 42 East, being Tracts 25 through 32 of the Subdivision of Section 26, as recorded in **Plat** Book 6, Page 26, less the South 15.00 feet thereof, Together with; a parcel of land situate in Section 26, Township 45 South, Range 42 East, being a portion of the Subdivision of Section 26, as recorded in Plat

Book 6, Page 26, being bounded as follows: On the North, by a line 35.00 feet South of and parallel with the Northerly lines of Tracts 5, 12 and 25 of the aforesaid subdivision of Section 26; On the South, by a line 155.00 feet South of and parallel with said North lines of Tracts 5, 12 and 25; On the West, by a line 1014.46 feet East of and parallel with the West lines of Tracts 25 through 32 of the aforesaid subdivision of Section 26; On the East, by the East line of Tract 5 of the aforesaid subdivision of Section 26. Said property located on the west side of Military Trail (**S.R.809**), approximately .5 mile south of Boynton Road (**S.R.804**) was approved as advertised subject to the following conditions:

1. This development must retain **onsite** the first one inch of the stormwater runoff per Palm Beach County Sub-division and Platting Ordinance 73-4, as amended.
2. The developer shall provide the construction plans for Boynton Beach Boulevard as a 4-lane median section expandable to a six-lane median section from the east right-of-way of the E-3 Canal through Jog Road to include the appropriate tapers per the County Engineer's approval. These plans shall contain, but not be limited to, drainage and bridge plans over the E-3 Canal. These plans shall be approved prior to or concurrent with the filing of the first plat or within 6 months of Special Exception approval, whichever shall first occur.
3. The developer shall contribute the sum of One Hundred Thousand Dollars (**\$100,000.00**) toward the cost of meeting this project's direct and identifiable traffic impact at the time of the 201st building permit, however in no event later than 24 months of Special Exception approval toward the construction program for Boynton West Road. Palm Beach County may at it's option however, use this money for any road improvement program located within the project area.
4. The developer shall construct at the project's entrance road and Military Trail, concurrent with the 4-laning of Military Trail:
  - a) left turn lane, south approach
  - b) right turn lane, north approach
  - c) traffic signalization if warranted within 5 years
5. The property owner shall provide access to the Planned unit Development by way of a dedicated right-of-way.
6. Reasonable precautions shall be exercised during site development to insure that dust particles from this property do not become a nuisance to neighboring properties.
7. Reasonable measures shall be employed during site development to insure that no pollutants from this property will **enter adjacent** or nearby surface waters.
8. The Master Plan shall be amended prior to Site Plan Certification to provide more information regarding the required open spaces, recreation amenities, and pedestrian articulation system.
9. This development shall be limited to townhouse, garden apartment, and duplex-type development of two stories

or less.

- 10. The property owner shall convey to the Lake Worth Drainage District by either Quit Claim Deed or Drainage Easement, the 55 feet South of the 1/4 Set-Line for Lateral Canal No. 25 and 35 feet East of the 1/4 Set-Line for Lateral Canal 26 and 50 feet East of the 1/4 Set-Line for Equalizing Canal No. 3 all in the SE 1/4 of Section 26-45/42.

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

The foregoing resolution was declared duly passed and adopted this **30th** day of August , **1983** , confirming action of 26th May 1983,

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Lisa [Signature]*  
Deputy Clerk



APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*John Cantello*  
County Attorney