

RESOLUTION NO. R-83-1031

RESOLUTION APPROVING ZONING PETITION 72-118(A), Special
Exception to amend Petition 72-118

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. 72-118(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24th March 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 proposed density transfer is vested under the provisions of the Comprehensive Plan regarding previously approved density.
2. The proposal will have no significant impact upon current provisions for utilities, traffic, and the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 24th day of March 1983, that Petition No. 72-118(A) the petition of H. MILLER & SONS OF TAMPA INC., By Henry Heller, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR RIVIERA PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 72-118 By DELETING 15 DWELLING UNITS FROM Tract 9, being a portion of the Northeast 1/4 of Section 2, Township 47 South, Range 41 East, being more particularly described as follows: Begin at the northwest corner of the Northeast 1/4 of Section 2, Township 47 South, Range 41 East, and run on an assumed bearing of South 89°04'43" East along the North line of said Northeast 1/4 of Section 2 for 1198.44 feet; thence run South 24°19'21" East for 2958.05 feet;

thence run South $0^{\circ}47'35''$ East along a line parallel to and 260 feet West of as measured at Right angles to the East line of the said Northeast $1/4$ of Section 2 for 651.36 feet to a point lying on the South line of the said Northeast $1/4$ of Section 2; thence run North $89^{\circ}23'50''$ West along the said South line of the Northeast $1/4$ of Section 2 for 2379.00 feet; thence run North $0^{\circ}48'07''$ West along the West line of the said Northeast $1/4$ of Section 2, for 3341.37 feet to the Point of Beginning. Said by adding 15 dwelling units to Tract 2B, being a portion of Tract 9, 10 and 64, "Florida Fruit Lands Company's Subdivision No. 2" of Section 1, Township 47 South, Range 41 East, recorded in Plat Book 1, Page 102, being more particularly described as follows: Begin at the Southwest corner of the Plat "Boca Chase Section One", recorded to Plat Book 34, Pages 126 and 127, and run on an assumed bearing of South $89^{\circ}42'53''$ East along the South line of said Plat "Boca Chase Section One: for 877.02 feet to a point of curvature; thence continue along the boundary of said plat "Boca Chase Section One", being a circular curve to the left and concave to the Northwest having a radius of 310.00 feet and a central angle of $90^{\circ}34'54''$ for an arc distance of 490.09 feet to a point of cusp; thence run South $0^{\circ}17'47''$ East along the Easterly Boundary of Tracts 10, 0 and 64, of said plat "Florida Fruit Lands Company's Subdivision No. 2" for 358.19 feet; thence run North $89^{\circ}42'53''$ West along the South line of said Tract 64 for 1324.14 feet; thence run North $0^{\circ}27'38''$ West along the West line of said Tract 64 for 340.02 feet to a point on a curve, said point bearing North $62^{\circ}23'27''$ West from the radius point of the next described curve; thence run along a circular curve to the right and concave to the Southeast having a radius of 340.00 feet and a central angle of $16^{\circ}56'05''$ for an arc distance of 100.49 feet to a point of reverse curvature; thence run along a circular curve to the left and concave to the Northwest having a radius of 260.00 feet and a central angle of $45^{\circ}00'26''$ for an arc distance of 204.24 feet to a point of tangency; thence run North $0^{\circ}27'38''$ West for 38.94 feet to the Point of Beginning. Said property located on the west side of 180th Place South and the south side of 180th Street in an RS-Residential Single Family District and AR-Agricultural Residential District also on the east side of Cain Boulevard, approximately 85 feet south of 177th Court South in an AR-Agricultural District, was approved as advertised subject to the

following conditions:

1. Conditions of the previous approval (Pet. 72-118) shall remain in effect, and in addition:
2. The final alignment of Cain Boulevard shall be **subject** to the approval of the County Engineer.
3. The developer shall contribute Three Hundred (\$300.00) dollars per single family dwelling unit and Two Hundred (\$200.00) dollars per multi-family dwelling unit toward the cost of meeting this development's direct and identifiable traffic impact to be paid at the time of issuance of building permits.
4. The development shall retain onsite the first one inch of stormwater runoff per the requirements of the Palm Beach County Subdivision and Platting Ordinance No. 73-4, as amended.
5. The developer shall take reasonable precautions during the development of this property to insure that fugitive **particulates** (dust particles) from this project do not become a nuisance to neighboring properties.
6. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby **surface waters**.

Commissioner Bailey, moved for approval of the petition.

The motion was seconded by Commissioner Wilken, 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	- AYE
Bill Bailey, Member	- AYE

The foregoing resolution was declared duly passed and adopted this 13th day of September, 1983, confirming action of 24th March 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: Judy Medler
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Bartlett
County Attorney

