

RESOLUTION NO. R-83-1050

RESOLUTION APPROVING ZONING PETITION 83-36, 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. 83-36 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 rezoning and Planned Unit Development are well beneath even the standard density provisions of the Comprehensive Plan category and satisfies all performance standards.
2. The proposed residential development will be compatible with the single family development in the vicinity.

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. 83-36 the petition of JOHN MARTYNTRUSTEE, By David Carpenter, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land in the Northwest 1/4 of Section 2, Township 41 South, Range 42 East, being more particularly described as follows: From the intersection of the West line of the Northwest 1/4 of Section 2, Township 41 South, Range 42 East, and the North right-of-way line of State Road No. 706, run thence Northerly 392.41 feet along said West line of Section 2, to an intersection with the Northwesterly right-of-way line of the County Road known as Center Street and the Point of Beginning; thence Northeasterly on said right-of-way line a

distance of 2519.39 feet; thence Westerly, angling  $45^{\circ}27'00''$  from the Southwest to West, a distance of 422.16 feet; thence Northerly angling  $90^{\circ}58'00''$  from East to North a distance of 33.0 feet; thence Westerly, angling  $90^{\circ}58'00''$  from South to West, a distance of 983.70 feet; thence Northerly, parallel to the said West line of the Northwest 1/4 of said Section 2, a distance of 414.14 feet, more or less, to the North line of said Northwest 1/4; thence Westerly, along said North line, a distance of 320 feet to the Northwest corner of said Northwest 1/4; thence Southerly, along the said West line of the Northwest 1/4, a distance of 2237.47 feet, more or less, to the Point of Beginning, including all improvements thereon, Less and Except Lot 1, in Plumosa Pines, as recorded in Plat Book 26, Page 8. Said property located on the east side of Thelma Avenue, approximately 400 feet north of Indiantown Road, was approved as advertised subject to the following conditions:

1. The **Master** Plan shall be redesigned to provide for standard single family subdivision roadway sections.
2. Significant existing vegetation shall be preserved.
3. The development must retain **onsite** 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
4. 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.
5. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
6. Within ninety (90) days of approval the ultimate **right-of-way** for Loxahatchee River Road (realignment), 80 feet shall be conveyed to Palm Beach County.
7. Within ninety (90) days of approval the ultimate **right-of-way** for Center Street, 40 feet from centerline, shall be conveyed to Palm Beach County, (approximately an additional 7 feet of right-of-way).
8. The developer shall realign and construct Loxahatchee River Road from Center Street North, a distance of 330 feet, per the County Engineer's approval concurrent with the filing of the first plat.
9. The developer shall construct concurrent with the filing of the first plat, a left turn lane west approach and a right turn lane east approach, on Center Street at the project's entrance road.

10. The developer shall construct concurrent with the realignment of Loxahatchee River Road:
  - a) Right turn lane, north approach on Loxahatchee River Road.
  - b) Left turn lane, west approach on Center Street.
11. The developer shall construct concurrent with the filing of the first plat, a right turn lane east approach on Indiantown at it's intersection with Center Street.
12. The property owner shall petition for abandonment of Impala Drive prior to the filing of the first plat.
13. The contribution of Thirty Thousand Dollars (\$30,000.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the rate of \$300.00 per dwelling unit at the time of issuance of building permits.
14. The developer shall provide a drainage system within his property to collect the sheet flow from adjacent properties.
15. This approval is limited to 95 detached single-family dwelling units and the Master Plan shall be amended to delete units from the east side of the cul-de-sac in the so called "panhandle" section of the property.

Commissioner Wilken, 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:

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: Trudy M. [Signature]  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

[Signature]  
County Attorney

