

**RESOLUTION NO. R-84-766**

RESOLUTION APPROVING **ZONING** PETITION 80-54(B), Special Except ion

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-c** have been **satisfied**; and

WHEREAS, Pet it ion No. 80-54 (B) was presented to the Board of County Commissiioners of Palm Beach County **at its public hearing** conducted on 26th January 1984; 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 development is consistent with the requirements of the Comprehensive Plan.
2. With appropriate **design** controls and screening **this** development **would** not have a **significant impact** upon nearby residential **areas** or the Intracoastal Waterway.

NOW, THEREFORE, **BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS** OF PALM BEACH COUNTY, FLORIDA, **assentbled** in regular session **this 26th day** January 1984, that **Petit ion No. 80-54 (B) the petition** of CHARLES ISLAND ASSOCIATES By Alan J. Ciklin, **Esquire**, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR CHARLES ISLAND PLANNED UNIT DEVELOPMENT **PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 80-54 on the intersection** of the Easterly right-of-way **line** of Palmwood Road (as **said** right-of-way is shown on a plat recorded in Road Book 2, Page 75), **with the East -West 1/4 Section 1 line** of **Section 20**, Township 41 South, Range 43 East (for the purposes of **this description, said 1/4 section** line is assumed to bear South 87 degrees 43' 14" East and all other bearings hereon are relative thereto); thence North 1 degrees 33' 06" East a **distance** of 108.70 feet; thence South 87 degrees 43' 14" East, a **distance** of 200.00 feet, thence North 1 degrees 33' 06" East, a distance of 4313.46 **feet**; thence South 87 degrees 43' 14" East, a **distance** of 129.99 **feet**; thence North 58 degrees 47' 28" East a distance

of 250.00 feet to the center-line of the Intracoastal Water-way; thence parallel to and distant 250.00 feet at right angles from the West right-of-way line of the aforementioned Intracoastal Waterway the following 2 courses:

South 31 degrees 12'32" East a distance of 1346.29 feet; thence South 15 degrees 50'59" East a distance of 2133.14 feet; thence South 73 degrees 06'11" West a distance of 250.04 feet; thence South 73 degrees 06'11" West a distance of 364.13 feet; thence South 68 degrees 52'00" West a distance of 620.00 feet; thence South 1 degrees 31'24" West a distance of 1.00 feet; thence South 68 degrees 52'00" West a distance of 216.70 feet to a point in the Easterly right-of-way line of the aforementioned Palmwood Road; thence North 01 degrees 31'24" East along said Easterly right-of-way line a distance of 1247.95 feet to the Point of Beginning, subject to the rights and easements conveyed to the United States of America, as the same appears in Deed Book 485, Page 211. Said property located on the east side of Palmwood Road, approximately .3 mile north of Donald Ross Road in part RS-Residential Single Family District was approved as advertised subject to the following conditions:

1. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.
2. Within ninety (90) days of approval the property owner shall convey to Palm Beach County for the ultimate right of way for Prosperity Farms Road (Palmwood Road), 68 feet from center-line, (approximately an additional 28 feet of right of way). Conveyance must be accepted by Palm Beach County prior to issuance of the first building permit.
3. The developer shall construct on Prosperity Farms Road and the project's entrance road as part of the required improvements of the first plat:
  - a. Left turn lane north approach.
  - b. Right turn lane south approach.
4. The developer shall construct on Donald Ross Road at its intersection with Prosperity Farms Road, a left turn lane, west approach as part of the required improvements of the first plat.
5. The developer shall contribute Thirty Thousand Eight Hundred Dollars (\$38,800.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the rate of \$175.00 per dwelling unit at the time of issuance of the building permits.
6. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (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 shall enter adjacent or nearby surface waters.

8. Prior to site plan certification, the proposed site plan shall be amended to reflect the following:

- a. Set backs conforming to the requirements of the Zoning Code and minimum separation between parking enclosures and principal structures of at least 15 feet.
- b. Provision of a Jogging trail around the perimeter of the property and between recreation facilities.
- c. No additional bulkheading of the Intracoastal Waterway or Cypress Creek.
- d. Installation of mangrove seedings along the Intracoastal Waterway and the western portion of Cypress Creek.
- e. Installation of coastal native tree species (Buttonwood & Gumbo Limbos) along the Intracoastal and Cypress Creek in an amount equivalent to one tree per 20 feet of shoreline.
- f. Installation of trees and shrubs along the Palmwood Road and interior property line to achieve a dense vegetative buffer within two years after the date of this approval.

3. The proposed marina is not to be used for live-aboard residence.

18. No bright illumination is to be permitted along Cypress Creek.

11. The boat docks (finger docks) along Cypress Creek (project's southern property line) shall not be constructed without specific prior approval by the Florida Dept. of Environmental Regulation, Palm Beach County Health Dept. and all other appropriate governmental review agencies.

Commissioner Koehler, moved for approval of the petition.

The motion was seconded by Commissioner Wilken,

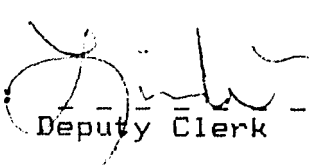
and upon being put to a vote, the vote was as follows:

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

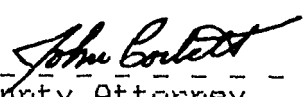
The foregoing resolution was declared duly passed and adopted this 12th day of June, 1984, confirming action of 26th January 1984.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:  Deputy Clerk

APPROVED AS TO FORM  
FIND LEGAL SUFFICIENCY

  
County Attorney