

RESOLUTION NO. R-93- 1543

RESOLUTION APPROVING ZONING PETITION DOA81-88(B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF CASA DEL REY HOMEOWNERS ASSOCIATION

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA81-88(B) was presented to the Board of County Commissioners at a public hearing conducted on December 6, 1993; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency exemption and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA81-88(B), the petition of CASA DEL REY HOMEOWNERS ASSOCIATION for a DEVELOPMENT ORDER AMENDMENT in the Residential Planned Unit Development (PUD) Zoning District, to amend master plan to decrease acreage and reduce units, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on December 6, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Lee and, upon being put to a vote, the vote was as follows:

|                     |    |        |
|---------------------|----|--------|
| Mary McCarty, Chair | -- | Aye    |
| Burt Aaronson       | -- | Aye    |
| Ken Foster          | -- | Absent |
| Maude Ford Lee      | -- | Aye    |
| Karen T. Marcus     | -- | Aye    |
| Warren Newell       | -- | Absent |
| Carol A. Roberts    | -- | Absent |

The Chair thereupon declared that the resolution was duly passed and adopted this 6th day of December, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**PARCEL I:**

The N 1/2 of the E 1/2 of the SE 1/4 of the SW 1/4 of the NE 1/4 of Section 11, Township 46 South, Range 42 East, Palm Beach County, Florida.

The S 1/2 of the E 1/2 of the SE 1/4 of the SW 1/4 of the NE 1/4 of Section 11, Township 46 South, Range 42 East, LESS the South 13 feet thereof.

The South 1/2 of the SW 1/4 of the SW 1/4 of the NE 1/4 of Section 11, Township 46 South, Range 42 East, LESS the South 13 feet thereof, Palm Beach County, Florida. Also, LESS the West 170 feet of the above described parcel.

Lots 183, 184, 185, 186, 187 and 188, Plat No. 3, DELRAY GARDEN ESTATES, according to the Plat thereof, recorded in Plat Book 23, Page 184 of the Public Records of Palm Beach County, Florida.

The N 1/2 of the SW 1/4 of the SW 1/4 of the NE 1/4 of Section 11, Township 46 South, Range 42 East, Palm Beach County, Florida. LESS the West Forty feet (W 40') thereof.

The W 1/2 of the SE 1/4 of the SW 1/4 of the NE 1/4 of Section 11, Township 46 South, Range 42 East, Palm Beach County, Florida. LESS the South 13 feet thereof deeded to the Lake Worth Drainage District for drainage ditch.

Lot 182 of Plat No. 3, DELRAY GARDEN ESTATES, according to the Plat thereof on file in the office of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 184.

**PARCEL II:**

The W 1/2 of the SW 1/4 of the SE 1/4 of the NE 1/4, LESS the South 13 feet thereof, of Section 11, Township 46 south, Range 42 East, Palm Beach County, Florida.

**PARCEL III:**

Lots 173 A and 173 B, Plat No. 3, DELRAY GARDEN ESTATES, according to the Plat thereof on file in the office of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 184.

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EXHIBIT A

LEGAL DESCRIPTION

PARCEL IV:

Lots 176, 177, 178 and 179, Plat No. 3, DELRAY GARDEN ESTATES, according to the Plat thereof on file in the office of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23; Page 184.

PARCEL V:

Lots 119 and 120, Casa Del Rey (P.U.D.), Plat No. 2, according to the plat thereof recorded in Plat Book 52, Pages NO. 188, 189, and 190 of the Public Records of Palm Beach County, Florida. LESS the East Fifteen Feet (E 15') of said Lot 119 thereof.

And Together With:

That part of Tract E, Casa Del Rey (P.U.D.), Plat No. 2, according to the Plat thereof recorded in Plat Book 52, Pages 188, 189, and 190 of the Public Records of Palm Beach County, Florida, described as follows;

Begin at the northwest corner of Lot 119, Casa Del Rey (P.U.D.) Plat No. 2; thence N.89 degrees 20' 58" E., along the north line of said Lot 119, 84.09' to the northeast corner of said Lot 119; thence N. 0 degrees 39' 02" W., 25.00 feet to the north line of said Tract E; thence S. 89 degrees 20' 58" W., along said north line, 84.09 feet to the northwest corner of said Tract E; thence S. 0 degrees 39' 02" E., along the west line of said Tract E, 25.00 feet to the said point of beginning. LESS the East Fifteen Feet (E 15') thereof.

PARCEL VI:

The West Eight point Five Nine Feet (W 8.59') Feet of Tract "C", Casa Del Rey (P.U.D.), Plat No. 2, according to the Plat thereof recorded in Plat Book 52, Pages 188, 189, and 190 of the Public Records of Palm Beach County, Florida.

PARCEL VII:

The East Ten Feet (E 10.0') of Tract "D" and the East Ten Feet (E 10') of Tract "F" of Casa Delray Plat No. 1, according to the Plat thereof recorded in Plat Book 51, Pages 198 and 199 of the Public Records of Palm Beach County, Florida.

81-88 B

EXHIBIT B  
VICINITY SKETCH

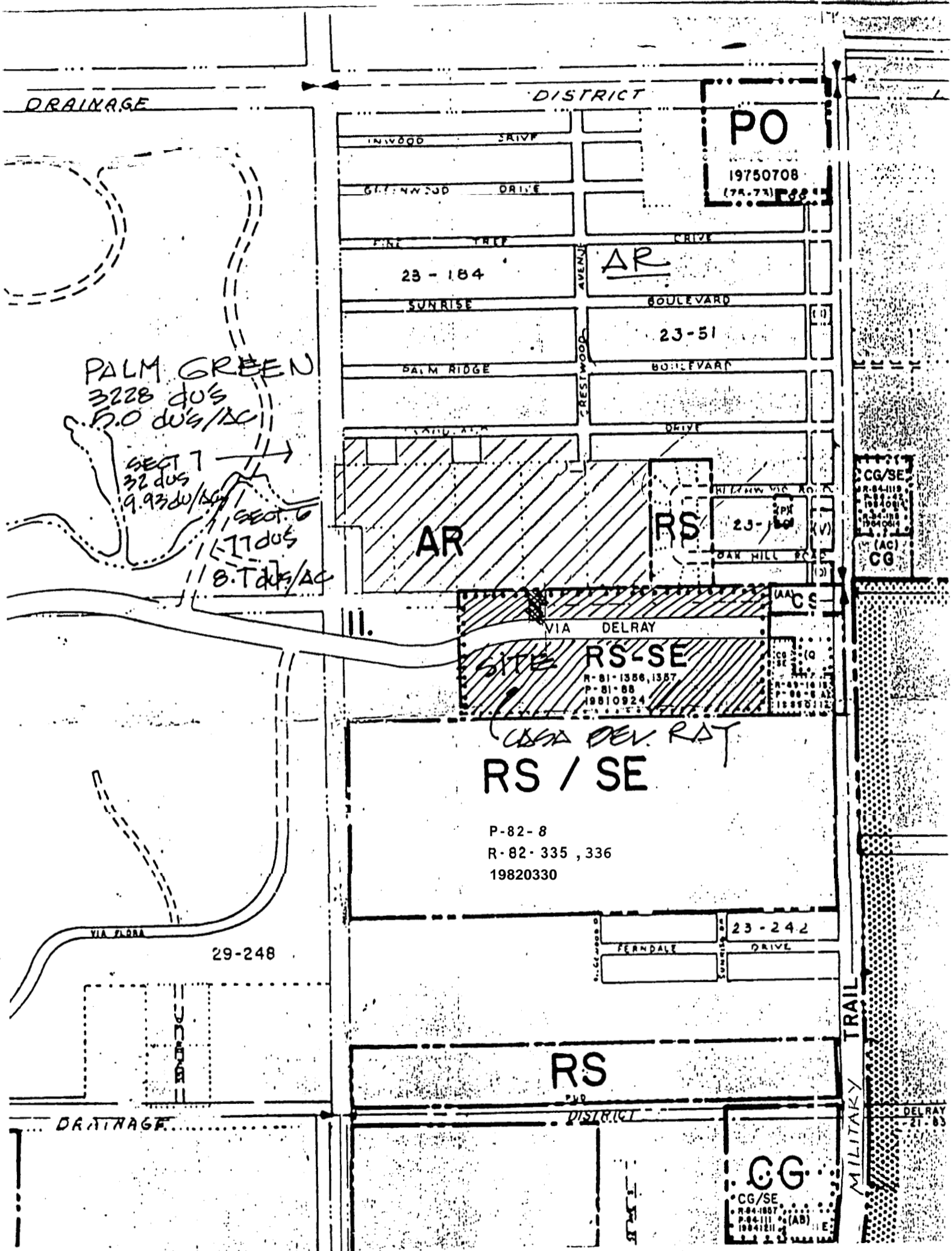


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified herein.

**A. ALL PETITIONS**

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-81-1357, have been consolidated as **contained herein**. **The** petitioner shall comply with all previous conditions of approval, unless expressly modified. (MONITORING)

**B. IRRIGATION QUALITY WATER**

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements **of** the Florida Department **of** Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

**C. LANDSCAPING ALONG THE EAST AND WEST SIDES OF THE ADJACENT ACCESS ROAD TO TROPICAL LAKES PUD**

1. Landscaping within the required buffer along both sides **of** the access road to the Tropical Lakes PUD [petition 92-26(A)] shall be upgraded to include:
  - a. **A** double row of native canopy trees planted every twenty (20) feet on center;
  - b. One **(1)** native palm tree for each twenty **(20)** linear feet **of** frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
  - c. A thirty (30) inch high shrub or hedge material spaced twenty-four **(24)** inches on center at installation (in addition to the six foot landscape barrier). (ZONING)

**D. PLATTING**

1. Prior to February 1, **1994** the Developer shall plat the property deleted from Petition 81-88 in accordance with provisions of the ULDC, as amended. (MONITORING-Engineering)

**E. ENGINEERING**

1. **Petitioner shall construct at each of the project's entrances onto Via Delray a left turn lane, west approach, prior to the issuance of a Certificate of Occupancy.** (Previously Condition No. 1 of Resolution No. 81-1357, Zoning Petition No. 81-88). (BUILDING/ENGINEERING)
2. **Petitioner shall contribute Sixteen Thousand Eight Hundred Dollars (\$16,800.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permits.** (Previously Condition No. 2 of Resolution No. 81-1357, Zoning Petition No. 81-88). (BUILDING/ENGINEERING)

3. **The developer will take reasonable precautions during the development of this project to insure that fugitive particulate (dust particle) from this project do not become a nuisance to neighboring properties. (Previously Condition No. 3 of Resolution No. 81-1357, Zoning Petition No. 81-88). (ENGINEERING).**
4. **The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters. (Previously Condition No. 4 of Resolution No. 81-1357, Zoning Petition No. 81-88). (ENGINEERING).**
5. **The petitioner shall construct a five (5) foot sidewalk along the entire north right-of-way of Via Del Ray Road within and/or abutting the Casa Del Ray Planned Unit Development (Petition #81-88) concurrent with the construction of the access road through the PUD. (MONITORING/ENGINEERING)**