

RESOLUTION No. R- 81-202

RESOLUTION APPROVING ZONING PETITION

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. 80-215 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29 January 1981; 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 proposal would be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day of **January**, 1981, that Petition No. 80-215 the petition of LARJIM MANAGEMENT CORPORATION by Lawrence A. Gordon, President, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on Tracts 49 through 56 inclusive; 73 through 88 inclusive and 105 through 120 inclusive, in Section 21;

Canal E-3: the West 55.0 feet of the South 1/2 and the West 55.0 feet of the South 664.91 feet of the North 1/2 of Section 21; and the West 40.0 feet of Section 28, all in Township 46 South, Range 42 East.

Said property located on the south side of Delray West Road, and being bounded on the west by L.W.D.D. Canal No. 8, was approved as advertised subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall contribute One Hundred Fifty Thousand Dollars (\$150,000) for the acquisition of right of way for Military Trail from Delray West to **Linton Blvd.**
2. Petitioner shall be limited to two hundred (200) dwelling units for the first phase of development.
3. Within two hundred seventy (270) days of Special Exception approval, petitioner shall provide to Palm Beach County construction plans for Military Trail from Delray West Road to **Linton Blvd.**, including intersections. Said plans shall be approved by the County Engineer's office and be coordinated with all other developers having a construction obligation in this area. Upon approval of the construction plans for Military Trail by the County Engineer's office and the acquisition of the required right-of-way, an additional 100 units may be platted.
4. Upon the acquisition of the necessary right of way for Military Trail, from Delray West Road to **Linton Blvd.**, or in no event greater than one (1) year from Special Exception approval, the developer shall let a contract for the four-laning of Military Trail with the necessary inspections by Palm Beach County.
5. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County one hundred twenty (120) feet for the ultimate right-of-way for **Linton Blvd.** through the project's limits, as determined by the County Engineer.
6. Petitioner shall convey to Palm Beach County the North 60 feet of the South 80 feet of Section 21, Township 46 South, Range 42 East for the right of way for **Linton Blvd.** from the project's east property line east to the existing ultimate right of way for **Linton Blvd.** to satisfy Condition No. 7.
7. Petitioner shall construct **Linton Blvd.** from Jog/Carter Road to the project's east entrance, per the County Engineer's approval, before the completion of 1,230 dwelling units (50% of the total 2460 dwelling units).
8. Petitioner shall construct **Linton Blvd.** from the project's east entrance to the project's west property line before the completion of 1,845 dwelling units (75% of the total 2460 dwelling units).

9. Petitioner shall construct at the intersection of Jog Road (Carter Road) and Linton Blvd., per the County Engineer's approval:
 - a. left turn lane, east approach
 - b. left turn lane, west approach
 - c. signalization when warranted as determined by the County Engineer.
10. Petitioner shall construct at the intersection of Linton Blvd. and the project's east entrance:
 - a. left turn lane, south approach
 - b. left turn lane, east approach
 - c. right turn lane, west approach
 - d. signalization when warranted as determined by the County Engineer
11. Petitioner shall construct at the intersection of Linton Blvd. and the project's west entrance:
 - a. left turn lane, north approach
 - b. right turn lane, south approach
 - c. left turn lane, east approach
 - d. right turn lane, east approach
 - e. signalization when warranted as determined by the County Engineer.
12. Petitioner shall construct at the intersection of Delray West Road and the project's entrance:
 - a. left turn lane, south approach
 - b. right turn lane, south approach
 - c. left turn lane, east approach
 - d. right turn lane, west approach
 - e. signalization when warranted as determined by the County Engineer.
13. Petitioner shall abandon all existing road rights-of-way which will not be incorporated into the overall master plan of this PUD.
14. The developer will take reasonable precautions during the development of this project to insure that fugitive **particulates** (dust particles) from the project do not become a nuisance to neighboring properties.
15. The developer will employ measures to prevent run-off of pollutants to any adjacent or nearby surface waters during the development of the property.
16. The Lake Worth Drainage District will require the **rights-of-way** for Lateral Canals No. 34, 35, 36, 37 and 38 and Equalizing Canal No. 2E as shown in the petition. We will accept a Quit Claim Deed or an Easement (on our form), whichever the owner prefers.
17. Petitioner must dedicate the civic site to Palm Beach County, without cost, within ninety (90) days of the filing of the first plat.
18. Petitioner shall install landscape screens along the east boundary of the project to buffer the site from the farm; petitioner shall provide a detailed planting plan as part of the Master Plan approval and the landscape screen must be installed prior to building occupancy.

- 19. Petitioner must advise prospective purchasers within the development of the existence of the adjacent farm.
- 20. An agreement for utilities shall be presented at the Site Plan Review Committee level.

Commissioner Gregory, moved for approval of the petition.

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

Frank Foster, Chairman	AYE
Norman Gregory, Vice Chairman -	AYE
Bill Bailey, Member	AYE
Dennis Koehler, Member	AYE
Peggy B. Evatt, Member	AYE

The foregoing resolution was declared duly passed and adopted this 24th day of February, 1981, confirming action of 29 January 1981.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *[Signature]*
 Deputy Clerk

APPROVE AS TO FORM
 AND LEGAL SUFFICIENCY

[Signature]
 County Attorney

