

RESOLUTION No. R-81-215

RESOLUTION APPROVING ZONING PETITION

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapters 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. 81-6 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. 81-6 the petition of FPA CORPORATION by Wayne Zufelt of Craven, Thompson and Associates, Inc., Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED RESIDENTIAL DEVELOPMENT INCLUDING RECREATION FACILITIES,, GOLF COURSE AND A SEWAGE TREATMENT FACILITY on a portion of Section

36, Township 46 South, Range 42 East being more particularly described as follows: Commencing at the Southwest corner of said Section 36; THENCE North, along the West line of said Section 36, a distance of 2110.03 feet; THENCE South $89^{\circ}40'13''$ East along a line parallel with the South line of Section 36, a distance of 40.00 feet to the Point of Beginning of that portion described herein; THENCE North, along a line 40.00 feet East of, as measured at right angles to, and parallel with the West line of Section 36 (said line also being the Easterly right-of-way line of Military Trail), a distance of 3131.34 feet to a point on the Southerly right-of-way line of Lake Worth Drainage District Canal L-38; THENCE South $89^{\circ}57'05''$ East along said Southerly right-of-way line a distance of 3328.88 feet; THENCE South $89^{\circ}58'37''$ East along the Southerly right-of-way line of Lake Worth Drainage District Canal L-38 a distance of 1758.10 feet; THENCE South $00^{\circ}01'23''$ West a distance of 500.00 feet; THENCE South $12^{\circ}13'56''$ West a distance of 2117.99 feet to a point on the North line of Pheasant Walk Section Six, as recorded in Plat Book 35, page 193, THENCE North $89^{\circ}50'20''$ West, along said North line of Pheasant Walk Section Six, a distance of 644.32 feet; THENCE North $0^{\circ}14'26''$ East a distance of 577.05 feet; THENCE North $89^{\circ}45'34''$ West a distance of 32.47 feet; THENCE South $56^{\circ}21'15''$ West a distance of 199.20 feet to a point on a curve concave to the Southwest, a radial bearing from said point bears South $59^{\circ}56'34''$ West; THENCE Northwesterly, along the arc of said curve, an arc distance of 85.42 feet (said curve having a radius of 1757.00 feet and a central angle of $02^{\circ}47'08''$) to a point; THENCE North $11^{\circ}45'22''$ East, along a non-tangent line from the last mentioned course, a distance of 35.11 feet; THENCE North $33^{\circ}28'42''$ West a distance of 60.00 feet; THENCE North $78^{\circ}38'45''$ West a distance of 35.36 feet; THENCE South $56^{\circ}21'15''$ West a distance of 60.00 feet; THENCE South $11^{\circ}21'15''$ West a distance of 35.36 feet; THENCE South $56^{\circ}21'15''$ West a distance of 60.00 feet; THENCE North $78^{\circ}38'45''$ West a distance of 35.36 feet; THENCE South

56°21'15" West a distance of 100.00 feet; THENCE North 33°38'45" West a distance of 552.63 feet to the point of curvature of a curve concave to the Southwest; THENCE Northwesterly and Westerly, along the arc of said curve, an arc distance of 786.85 feet (said curve having a central angle of 56°21'15" and a radius of 800.00 feet) to the Point of tangency; THENCE West a distance of 113.49 feet; THENCE South a distance of 650.00 feet; THENCE South 32°55'09" East a distance of 1017.27 feet; THENCE South 07°34'51" East a distance of 507.04 feet to a point on a circular curve concave to the North, a radial bearing from said point bears North 7°14'51" West, the last eighteen courses being coincident with the Easterly, Northerly and Westerly boundaries of Pheasant Walk Section Eight as recorded in Plat Book 37 at Page 160; THENCE Westerly, along the arc of said curve, an arc distance of 327.77 feet (said curve having a radius of 1487.00 feet and a central angle of 12°37'46") to the Point of Compound Curvature of a circular curve concave to the North; THENCE Westerly along the arc of said curve, an arc distance of 268.33 feet (said curve having a radius of 2400.00 feet and a central angle of 6°24'21") to a Point of Cusp, a radial bearing from said Point of Cusp bears North 11°47'16" East, the last two described courses being coincident with the Northerly right-of-way line of Pheasant Way as shown on the plat, Pheasant Walk Section Four, recorded in Plat Book 34 at page 1; THENCE South 89°40'13" East, a distance of 250.26 feet; THENCE North, a distance of 435.60 feet; THENCE North 89°40'13" West, a distance of 560.00 feet; THENCE South, a distance of 368.36 feet to a point on a circular curve concave to the South, a radial bearing from said point bears South 9°48'26" West; THENCE Westerly along the arc of said curve being coincident with the Northerly right-of-way line of Pheasant Way as shown on the plat, Pheasant Walk Section Three, recorded in Plat Book 33 at page 15, an arc distance of 282.94 feet (said curve having a radius of 2400.00 feet and a central angle of 6°45'17") to a point, a radial bearing from said point bears South 3°03'10" West; THENCE North, a distance of 338.31 feet; THENCE

North 89°40'13" West, a distance of 159.00 feet; THENCE South, a distance of 335.60 feet; THENCE North 89°40'13" West, along the Northerly right-of-way line of Pheasant Way as shown on the said plat Pheasant Walk Section Three, and the plat Pheasant Walk Section One, as recorded in Plat Book 31 at page 232, a distance of 1660.00 feet to the Point of Beginning. Said property located on the east side of Military Trail (S.R. 809) being bounded on the north by L.W.D.D. Lateral Canal No. 38 in an RS-Residential Single Family District, was approved as advertised subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet from centerline for the ultimate right-of-way for Military Trail.
2. Petitioner shall convey to Palm Beach County a drainage easement(s) for Military Trail per the County Engineer's approval.
3. Petitioner shall construct at the intersection of Military Trail and the project's entrance road:
 - a. left turn lane, north approach
 - b. left turn lane, east approach
 - c. signalization when warranted as determined by the County Engineer
4. Petitioner shall contribute Seventy-eight Thousand Eight Hundred Thirty-eight Dollars (\$78,838.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s). (\$322.00 per dwelling unit).
5. The petitioner will take necessary precautions to prevent run-off of pollutants from this project to nearby surface waters.
6. 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.
7. An amended master plan of the existing Pheasant Walk subdivision must be filed to the Dept. of Planning, Zoning & Building, prior to issuance of building permit(s) for this petition.

Commissioner Koehler , 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:

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

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: *John B. Dunkle*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney

