

RESOLUTION NO. R-82-148

RESOLUTION APPROVING ZONING PETITION 230, *SpecialException*

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. 81-230 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 23 December 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 23d day of December, -1981, , that Petition No. 81-230 the petition of STEPHEN E. and IRENE M. ABBOTT by Henry Skokowski, Agent, for the FURTHER SPECIAL EXCEPTION TO AMEND THE MASTER PLAN PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 80-65 on all of Tract 4, Block 5, Palm Beach Farms Company Plat No. 3, in Section 34, Township 43 South, Range 42 East, as recorded in Plat Book 2, page

46, LESS the West 136.00 feet thereof, and LESS the North 56.00 feet and the Northwesterly 56.00 feet thereof for the Lake Worth Drainage District Lateral Canal No. 3; and more particularly described as follows: COMMENCING at the Northeast corner of said Tract 4, Block 5, Palm Beach Farms Company Plat no. 3; thence run South 02°41'44" East, along the East line of said Tract 4, a distance of 56.06 feet to a point on the South line of the Lake Worth Drainage District Lateral No. 3 Canal, and the Point of Beginning; thence continue South 02°41'44" East, along said East line of Tract 4, a distance of 781.25 feet to the Southeast corner thereof; thence South 87°51'23" West, along the South line of said Tract 4, a distance of 523.96 feet to a point that is 136.00 feet East of the Southwest corner of said Tract 4; thence North 02°18'47" West, parallel with the West line of said Tract 4, a distance of 604.32 feet to a point on the South right-of-way line of the Lake Worth Drainage District Lateral No. 3 Canal; thence North 87°41'13" East, along the said South Canal line, a distance of 96.02 feet to a point on the East right-of-way line of said canal; thence North 00°02'58" East, along the said East Canal line, a distance of 192.28 feet to a point on the South right-of-way line of said canal; thence North 89°59'58" East, along the said South Canal line, a distance of 415.13 feet to the Point of Beginning. Said property located on the south side of Belvedere Road, approximately .3 mile east of Tall Pines Road, was approved as advertised subject to the following conditions:

1. Petitioner shall comply with the following previously approved conditions as outlined in Petition 80-65:
  - a> Petitioner shall extend the existing culvert at the entrance road and rip-rap each end of the culvert.
  - b) Petitioner shall install guardrails on both sides of the entrance road at the canal crossing
  - c) Petitioner shall relocate the project's proposed entrance road to the East property line prior to Site Plan approval or remove existing vegetation to provide proper sight distance.

- d) Petitioner shall construct a left turn lane, east approach, on Belvedere Road at the project's entrance
  - e) Petitioner shall contribute Eight Thousand Five Hundred Dollars (\$8,500.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid on a pro-rata basis at the time of issuance of the building permit(s). This fee shall be credited toward the construction of the left turn lane, east approach, on Belvedere Road at the project's entrance.
  - f) Petitioner shall enter into a formal contract with the School Board of Palm Beach County to contribute four-tenths (4/10) of one percent (1%) of the selling price of each residential dwelling unit in this planned unit development on a one time initial sales basis. However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above 4/10ths of 1% of the initial sales price toward alleviating some of the development's school impact.
  - g) Prior to the issuance of any certificate of occupancy, the developer will install a six (6) foot chain link fence along the entire western property line and provide a landscape screen along this fence line to screen parking areas, at the time of building permit application.
  - h) Petitioner shall properly notify all prospective home buyers of the proximity of the development to Palm Beach International Airport, if the site is located within the area affected by the Airport Ordinance.
  - i) The developer shall make every effort to preserve existing trees in accordance with the intent of the site plan presented to the Board of County Commissioners.
2. The developer will take reasonable precautions during the development of this project to insure that fugitive **particulates** (dust particles) from this project do not become a nuisance to neighboring properties.
  3. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.
  4. The Lake Worth Drainage District will require right of way for Lateral Canal No. 3. An exchange of rights of way **may** be necessary as we presently have some easements on the referenced parcel as described. We would recommend a **review** of the rights of way based upon a **survey** of the existing canal and easements.

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		Yes
Norman Gregory, Vice Chairman -		Absent
Bill Bailey, Member -		Yes
Dennis Koehler, Member		Yes
Peggy B. Evatt, Member		Absent

The foregoing resolution was declared duly passed and adopted  
 this 9th day of February, 1982, , confirming action of  
 23 December 1981.

PALM BEACH COUNTY, FLORIDA  
 BY ITS BOARD OF COUNTY  
 COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Scott Lee Cotton*  
 Deputy Clerk

APPROVE AS TO FORM  
 AND LEGAL SUFFICIENCY

*Cliff E. Hunt*  
 County Attorney

