

RESOLUTION NO. R-82-537

RESOLUTION APPROVING ZONING PETITION 82-22, Special Exceptic

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. 82-22 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25 March 1982; 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 25th day of March, 1982, that Petition No. 82-22 the petition of JOHN C. BILLS by Alan M. Strassler, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4

of Section 25, Township 43 South, Range 42 East. Also known as Lots 9, 10, 11 and 12, in Whidden Gardens, as recorded in Plat Book 9, page 37. Said property located on the east side of Quail Drive, approximately .1 mile south of Westgate Avenue Extension, was approved as advertised subject to the following conditions:

1. Petitioner shall construct prior to the issuance of a Certificate of Occupancy:
 - a. Quail Drive from Westgate Avenue south to the project's entrance road
 - b. left turn lane, east approach, at the intersection of Quail Drive and Westgate Avenue
 - c. left turn lane, west approach, at the intersection of Westgate Avenue and Indian Road
2. Petitioner shall provide for a "safecorner" at the intersection of Quail Drive and Westgate Avenue as determined by the County Engineer.
3. Petitioner shall contribute Thirty Thousand Seven Hundred and Fifty Dollars (\$30,750.00) 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).
4. The Lake Worth Drainage District will require the South 23.00 feet of the SE 1/4 of the SE 1/4 of the NE 1/4 of Section 25, Township 43 South, Range 42 East for Lateral Canal No. 2. Petitioner shall convey said right of way by either a Quit Claim Deed or an Easement on a form acceptable to the District.
5. The petitioner 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.
6. The petitioner will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.
7. Petitioner shall be eligible for consideration of a partial PUD bonus.
8. The development of the project shall be limited to one-story units along the south property line.
9. There shall be no conversion of rental units for seven (7) years after the date of issuance of the first Certificate of Occupancy.
10. **Abandon the rights of way of Eagle Drive, Orange Avenue and Whidden Avenue which abut the Project, and Quail Drive from the Project's entrance to the canal.**

11. No culvert shall be located along the canal at the Orange Avenue right of way.
12. The south property line shall be fenced, which fence shall extend from the centerline of Quail Drive to the centerline of Eagle Drive, when abandoned.
13. Petitioner shall participate in a bond program with Palm Beach County.

Commissioner Foster, 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:

Norman Gregory, Chairman	Yes
Peggy Evatt, Vice Chairman	yes
Bill Bailey, Member	Yes
Dennis Koehler, Member	Yes
Frank Foster, Member	yes

The foregoing resolution was declared duly passed and adopted this 18th day of May, 1982, confirming action of 25 March 1982.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: Ruth Van Ottem
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Cantrell
County Attorney

