

RESOLUTION NO. R-83-977

RESOLUTION APPROVING ZONING PETITION 78-262 (A), Special Exception

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. 78-262(A) was presented to the Board of **County** Commissioners of Palm Beach County at its public **hearing** conducted on 26th May 1983; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the **recommendatons** 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. Provided that the total number of dwelling units is reduced **to** 450 units to reflect the deletion of 2 acres from the previously approved Planned Unit Development, the proposal would be consistent with the provisions of the Comprehensive Plan.
2. Provided that multi-story development is restricted to the north portion of the property and single family-type development is located along the southern portion of the property, the proposal would be compatible with the existing and developing character of the surrounding area.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 26th day May 1983, that Petition **NO. 78-262 (A)** the petition of ARVIDA CORPORATION By Russell **Devick**, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR CEDAR GROVE PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 78-262, BY DELETING A 2 ACRE TRACT OF LAND AND ALLOWING THE FURTHER SPECIAL EXCEPTION FOR A NURSING HOME on **part of parcel "A" in Cedar Grove -** Planned Unit Development recorded in **Plat** Book 41, Pages **39** and **40**, lying in Section 23, Township 47 South, Range 42 East, and being more

particularly described as follows:

Commencing at the Southwest corner of said Parcel "A"; said corner lying on a curve concave to the Southeast having a radius of 1849.86 feet; the tangent to said curve bears North $05^{\circ}40'24''$ East at this point (for convenience the bearings shown herein are relative to an assumed meridian); thence northeasterly along the arc of said curve, being also the Westerly line of said Parcel "A", through a central angle of $18^{\circ}50'01''$, a distance of **608.06** feet to the Point of Beginning of this description; thence continue along the arc of the same curve, through a central angle $09^{\circ}39'06''$, a distance of 311.62 feet; the tangent to said curve bears North $34^{\circ}09'31''$ East at this point; thence departing said curve and Westerly line of said Parcel "A", North $80^{\circ}10'45''$ East, a distance of 35.98 feet; thence South $53^{\circ}48'01''$ East, a distance of 253.58 feet; thence South $29^{\circ}37'24''$ West, a distance of 280.15 feet; thence North $65^{\circ}29'35''$ West, radial to the said westerly line of Parcel "A", a distance of **279.23** feet to the Point of Beginning. Subject to existing easements, rights-of-way, restrictions and reservations of record. Said property located on the east side of Military Trail (**S.R.809**) approximately .4 mile south of **Boca Raton** West Road (S.R.808) in an RM-Residential **Miltiple** Family District (Medium Density) was approved as advertised subject to the following conditions:

1. The developer shall construct a left turn lane on Military Trail, north approach, at the project's entrance, concurrent with on-site paving and drainage improvements and prior to the issuance of a Certificate of Occupancy.
2. The developer shall construct left and right turn lanes, east approach, at the project's entrance road and Military Trail concurrent with on-site paving and drainage improvements and prior to the issuance of a certificate of occupancy.
3. The developer shall limit the access tracts to a maximum length of six hundred (600') feet from a **dedicated** right-of-way.
4. The developer shall provide for an eighty (80) foot entrance road from Military Trail.
5. The developer shall contribute Ninety-Three Thousand Four Hundred Fifty Dollars (**\$93,450.00**) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). The developer, at his option, may elect to **construct** in kind improvements to the arterial roadway system to include, but not to be limited to, the construction of an additional two (2) lanes on Butts Road from Military Trail westerly approximately one thousand one hundred (1,100) feet

(replacement value \$130,000.00), signalize the intersection of Butts Road and Military Trail (replacement value \$14,000.00), and/or the construction of dual left turn lane, south approach, and a right turn lane, north approach, at the intersection of Military Trail and Butts Road (replacement value \$20,000.00).

6. The property owner shall convey the South 20.00 feet of the Northeast 1/4 of Section 23, Township 47 south, Range 42 East of Military Trail to the Lake worth Drainage District with some physical Canal improvement or Storm Sewer System to be determined by the developer.
7. This Planned Unit Development shall be limited to a total of 450 dwelling units. In addition the developer shall establish a buffer area of single family development on the property owned by this developer within the City of **Boca Raton** adjacent to the Paradise Palms. **Any** multi-story (3+) development within the PUD shall be limited to the northern portion of the property adjacent to the lake.
8. Access shall be provided through this property from Military Trail to the properties to the east within the City of **Boca Raton** as shown on the approved Master Plan.
9. Significant stands of native vegetation shall be preserved and indicated upon the Master Plan and any subsequent site plans.
10. This development must retain **onsite** the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.
11. The developer shall take reasonable precautions during the development of this property to insure that fugitive **particulates** (dust particles) from this project do not become a nuisance to neighboring properties.
12. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
13. At least 5% of the beds within the nursing home shall be made available for Medicare/Medicaid patients upon request of the County.

Commissioner **Wilken** , 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:

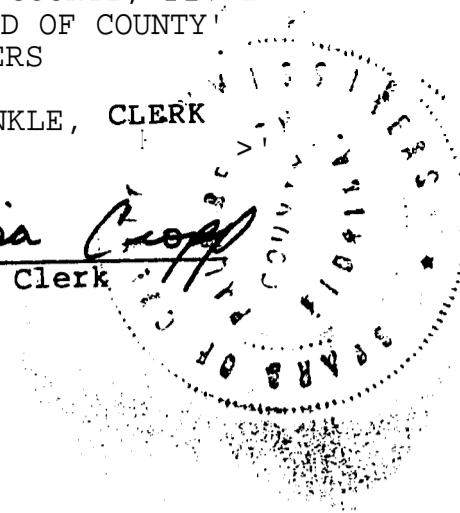
Peggy E. Evatt, Chairman	-- AXE
Ken Spillias, Vice Chairman	-- AYE
Dennis P. Koehler, Member	-- AYE
Dorothy Wilken, Member	-- AYE
Bill Bailey, Member	-- ATE

The foregoing resolution was declared duly passed and adopted this **30th day** of **August** , **1983** , confirming action of 26th May 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Lisa Croff
Deputy Clerk



APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Bartlett
County Attorney