

RESOLUTION NO. R- 83-1075

RESOLUTION APPROVING ZONING PETITION 83-69, 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. 83-69 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 23rd June 1983; 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 proposed rezoning and Special Exception are consistent with the Land Use Plan Designation and Mandatory Performance Standards of the Comprehensive Plan.
2. The proposed rezoning to RH and Special Exception are logical interfaces between the commercial development to the west and south and the medium density residential development to the north and west.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 23rd day June 1983, that Petition No. 83-69 the petition of KENNETH W. AND PATRICIA A. PHILLIPS, for a SPECIAL EXCEPTION TO ALLOW A PLANNED RESIDENTIAL DEVELOPMENT on a parcel of land lying within the Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, being more particularly described as follows:

That certain parcel of land as recorded in Official Record Book 3069, at Page 1070 and Page 1072; Together with that certain parcel of land as recorded in Official Record Book 31-15, at Page 17, Less, however, the right-of-way for Westgate Avenue as recorded in Road Book 2, at Page 205. Said property

located on the northwest corner of the intersection of Westgate Avenue and Donnell Road, approximately .2 mile south of Okeechobee Boulevard was approved as amended subject to the following conditions:

1. 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.
2. The property owner will dedicate to Palm Beach County seventeen (17) feet from centerline for the right-of-way for Donnell Road.
3. The developer will limit access to Westgate Avenue only to the parcel and shall provide turn lanes, per the County Engineer's approval.
4. 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.
5. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
6. The developer will incorporate as much of the existing significant vegetation on this site into the proposed residential development as possible. Existing vegetation shall be supplemented so that there shall be at least one tree per 20 feet along the northern property boundary prior to the issuance of a Certificate of Occupancy.
7. This development shall be limited to townhouse only facing toward the center of the property in accordance with the Site Plan presented at the Board of County Commissioners Hearing, Petition 83-69, Exhibit No. 12.
8. \$200 per townhouse shall be paid at the time of issuance of the building permit toward the cost of meeting this project's direct and identifiable traffic impact.
9. The developer shall install a six-foot high solid fence and wall combination along the property's northern boundary prior to the issuance of the Certificate of Occupancy.

Commissioner Koehler , moved for approval ,  
of the petition. The motion was seconded by Commissioner Wilken,  
and upon being put to a vote, the vote was as follows:

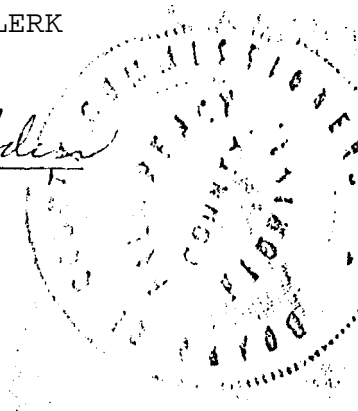
PEGGY B. Evatt, Chairman	--ABSENT
Ken Spillias, Vice Chairman	--AYE
Dennis P. Koehler, Member	--AYE
Dorothy Wilken, Member	--AYE
Bill Bailey, Member	--ABSENT

The foregoing resolution was declared duly passed and adopted this day of 'SEP 13 1983', confirming action of 23rd June, 1983.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Rudy Maddison*  
Deputy Clerk



APPROVE A:; TO FORM  
AND LEGAL SUFFICIENCY

*John Carlett*  
County Attorney