

RESOLUTION NO. R-83-1083

RESOLUTION APPROVING ZONING PETITION 83-88, 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. 83-88 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 requirements of the Comprehensive Plan.
2. The proposed number of units can be accommodated to the site while meeting all property development regulations.

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. 83-88 the petition of KETAY SOUTHERN INC. By R. Robert- Dummich, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT. DEVELOPMENT on Tracts 103, 104, 121, and 122, Block 77, of Palm Beach Farms Company Plat No. 3, in Section 18, Township 47 South, Range 42 East, as recorded in Plat Book 2, pages 45 to 54, also a portion of Tract 123, more particularly described as follows: Commencing at the Northwest corner of said Tract 123; thence due South, along the West line of said Tract 123, a distance of 19.80 feet to the Point of Beginning; thence continuing due South, along the said West line of said Tract 123, a distance of 450.21 feet to a point on a curve; thence Northeasterly through Northwesterly, along a curve to the left, whose

tangent bears due East, with a radius of 50.00 feet and a central angle of  $143^{\circ}07'48''$ , an arc distance of 124.90 feet; thence due North, along a line 30.00 feet East of and parallel with the West line of said Tract 123, a distance of 289.72 feet to a point of curve; thence Northwesterly along a curve to the left, with a radius of 90.73 feet and a central angle of  $36^{\circ}27'32''$ , an arc distance of 57.73 feet to a point of tangency; thence North  $36^{\circ}27'32''$  West a distance of 20.60 feet to the Point of Beginning.

Less that portion of Tracts 103, and 104, Block 77, for State Road 808 right-of-way purposes;

Said lands situate, lying and being in Section 18, Township 47 South, Range 42 East, subject to an easement for Ingress and Egress over Boca Ridge Drive South and Boca Ridge Drive in Official Record Book 2949, Page 1304. Together with portions of Tracts 103, 122 and 123, Block 77, Palm Beach Farms Company No. 3, in Section 18, Township 47 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54 inclusive; more particularly described as follows:

Commencing at the Northeast corner of said Tract 122; thence due South, along the East line of said Tract 122, a distance of 19.80 feet to the Point of Beginning; thence North  $36^{\circ}27'32''$  West a distance of 92.63 feet; thence South  $53^{\circ}32'28''$  West a distance of 60.00 feet; thence South  $36^{\circ}27'32''$  East a distance of 113.23 feet to a point of curve; thence Southeasterly, along a curve to the right, with a radius of 30.73 feet and a central angle of  $36^{\circ}27'32''$ , an arc distance of 19.55 feet to a point of tangency; thence due South along a line 30.00 feet West of and parallel with the East line of said Tract 122, a distance of 289.72 feet to a point on a curve; thence Southwesterly through Northwesterly, along a curve to the left, which tangent bears South  $53^{\circ}07'48''$  West, with a radius of 50.00 feet and a central angle of  $286^{\circ}15'37''$ , an arc distance of 249.81 feet; thence due North, along a line 30.00 feet East of and parallel with the West line of said Tract 123, a distance of 289.72 feet to a point of curve; thence Northwesterly, along a curve to the left with a radius of 90.73 feet and a central angle of  $36^{\circ}27'32''$ , an arc distance of 57.73 feet to a point of tangency; thence North  $36^{\circ}27'32''$  West a distance of 20.60 feet to the Point of Beginning.

Also; a portion of Tract 103, Block 77, Palm Beach Farms Company Plat No. 3, in Section 18, Township 47 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54 inclusive, more fully described as follows:

Commencing at the Northeast corner of said Tract 103; thence due south along the East line of said Tract 103, a distance of 35.00 feet to the Point of Beginning; thence due West, along a line 35.00 feet South and parallel with the North line of said Tract 103, a distance of 60.00 feet; thence due South a distance of 30.00 feet; thence South  $7^{\circ}00'59''$  West a distance of 65.49 feet; thence due South a distance of 40.00 feet; thence south  $7^{\circ}35'41''$  East a distance of 60.53 feet; thence due South, along a line 60.00 feet West of and parallel with the East line of said Tract 103, a distance of 265.47 feet to a point of curve; thence Southwesterly, along a curve to the right, with a radius of 50.00 feet and a central angle of  $53^{\circ}32'28''$ , an arc distance of 46.72 feet to a point of tangency; thence South  $53^{\circ}32'28''$  West a distance of 81.07 feet; thence South  $36^{\circ}27'32''$  East a distance of 71.00 feet; thence North  $53^{\circ}32'28''$  East a distance of 80.01 feet to a point of curve; thence Northeasterly, along a curve to the left, with a radius of 96.00 feet and a central angle of  $53^{\circ}32'28''$ , an arc distance of 89.71 feet to a point of tangency and a point on the said East line of Tract 103; thence due North, along the said East line, a distance of 481.21 feet to the Point of Beginning. Said property located on the southeast corner of the intersection of Glades Road (S.R.808) and 35th Avenue South, approximately .5 mile west of U.S.441 (S.R.7) was approved as advertised subject to the following conditions:

1. The 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 shall convey for the ultimate right-of-way of Glades Road, 80 feet from center-line, approximately an additional 40 feet within 90 days following closing on the property; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit,.
3. The developer shall relocate the existing guardhouse 150 feet south of the proposed south right-of-way line of Glades Road, concurrent with the filing of the first plat.
4. The developer shall contribute Forty Two Thousand Five Hundred Dollars (\$42,500.00) toward the cost of meeting this project's direct and identifiable traffic impact. The impact fee monies are to be used toward the construction program for Glades Road, Palm Beach County may at its option however use this money for any road improvement program located within the project area. This money shall be in the form of a clean irrevocable letter of credit to Palm County within ninety (90) days of Special Exception approval and may be called upon at any time thereafter.
5. 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.

6. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
7. The proposed Master Plan shall be redesigned prior to certification to provide for required buffer areas, reduced parking tract lengths, increased access road dimension and preservation of existing areas of significant native vegetation.
8. The developer shall convey to Palm Beach County within 90 days of closing on this property, to be accepted prior to the issuance of a Building Permit, a drainage easement through this property for storm drainage of Glades Road to the Lake Worth Drainage District L-46 Canal per the County Engineer's approval.

Commissioner Bailey , 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	--	AYE
Ken Spillias, Vice Chairman	--	ABSENT
Dennis P. Koehler, Member	--	AYE
Dorothy Wilken, Member	--	NAY
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of 'SEP 13 1983 , confirming action of 23rd June 3.983.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Trudy M. [Signature]  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

[Signature]  
County Attorney

