

RESOLUTION NO. **R-84-774**

RESOLUTION APPROVING ZONING PETITION 83-149, **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. 83-149 was presented to the Board of County Commissioners of Palm Beach County **at its public hearing** conducted on 26th **January** 1984; 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 development is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session **this** 26th day January 1984, that Petition No. 83-143 the

petition of JOSEPH A. PALERMO AND MAURICE EPSTEIN, TRUSTEES, By **Russell Scott**, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the Northeast 1/4 of the Southeast 1/4 of Section 13, Township 45 South, Range 42 East, less therefrom the following described parcel:

Beginning at the Southeast corner of the Northeast 1/4 of the Southeast 1/4 of **Section 13**; thence, Westerly, along the South line of said Northeast 1/4 of the Southeast 1/4 a distance of 672.03 feet; thence, Northerly, **parallel** with the East line of said Northeast 1/4 of the Southeast 1/4, a distance of 466.88 feet; thence, **Easterly**, parallel

with the said South line, a distance of 672.03 feet to the East line of said Northeast 1/4 of the Southeast 1/4; thence, Southerly, along said East line, a distance of 466.00 feet to the Point of Beginning; less the East 48 feet as right-of-way for Lawrence Road and less right-of-way for Lake Worth Drainage District Lateral 21. Said property located on the west side of Lawrence Road, approximately 1.5 miles south of Hypoluxo Road was approved as advertised subject to the following conditions:

1. Density of this project shall be limited to no more than 6.5 dwelling units per acre.
2. The property owner shall convey for the ultimate right-of-way of N. W. 22nd Avenue, 54 feet from centerline within ninety (90) days of approval; conveyance must be accepted by Palm Beach County prior to issuance of the first building permit.
3. The developer shall construct on Lawrence Road at the project's entrance road, concurrent with the filing of the first plat:
 - a) Left turn lane, south approach.
 - b) Right turn lane, north approach.
4. The developer shall construct on Lawrence Road at its intersection with Boynton West Road, a left turn lane, north approach, concurrent with the filing of the first plat.
5. The developer shall contribute Four Hundred and Twenty-Five Dollars (\$425.00) per approved dwelling unit in the form of a clean irrevocable Letter of Credit toward the cost of meeting this project's direct and identifiable impact. This Letter of Credit shall be posted within six (6) months of Special Exception approval and may be called upon 12 months after Special Exception Approval. These monies will be used for the project of four-laning Boynton Beach Blvd.
6. The developer shall landscape the twenty-five (25') foot perimeter buffer along the southeasterly portion of the subject development which borders those adjacent lots located on the north side of Floral Drive, as said landscaping may be permitted by Florida Power and Light Company.
7. Developer shall install and landscape a four to six (4-6) foot landscape berm with sod and plant systems north of the twenty-five (25) foot perimeter buffer area as established in Condition No. 6 above as additional screening protection for the adjacent lots located on the north side of Floral Drive.
8. Developer shall provide a Limited Access Easement within the twenty-five (25) foot perimeter buffer located in the southeasterly portion of the subject development which borders those adjacent lots located on the north side of Floral Drive in order to prevent access from the subject development to Floral Drive.
3. Developer shall record a Plat Restriction to guarantee the maintenance of and nonaccessibility over the entire twenty-five (25) foot perimeter buffer. In particular, said Declaration of Restrictive Covenant 5 and Conditions shall prevent access from any individual lots to Floral Drive across the subject twenty-five (25) foot perimeter buffer; and, further, all access shall be by the One (1) entrance as approved by the County Engineer.

10. Developer shall coordinate a site inspection of the subject property with the Palm Beach County Urban Forester to inspect the existing row of pines located parallel to Floral Drive, in order to tag those trees that are not required to be removed for dwelling and accessory structure purposes and that shall be retained.

11. Developer shall construct at the Developer's sole cost and expense, a grass swale south of the subject development's southeasterly property line running parallel to Floral Drive across the lots located on the north side of said Floral Drive which shall be connected to an underground drainage pipe to the subject development's on-site retention lake to provide drainage for these abutting lots. This condition shall be contingent upon the developer receiving the cooperation of all lot owners involved in the drainage plan or this condition shall become null and void.

12. 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.

13. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.

Commissioner Koehler, moved for approval of the petition.

The motion was seconded by Commissioner Spillias,

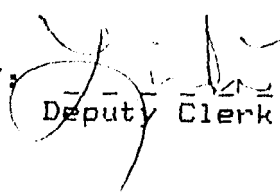
and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 12th day of June, 1984, confirming action of 26th January 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney