

RESOLUTION NO. R- 84-1160

RESOLUTION APPROVING ZONING PETITION 84-25, 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. 84-25 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 26th of April 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 special exception is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. RH zoning is appropriate at this location.
3. High density development of this small parcel could adversely impact adjoining properties if not designed sensitively.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 26th of April 1984, the petition of MIMI P. POTTER, for a **SPECIAL EXCEPTION FOR A PLANNED RESIDENTIAL DEVELOPMENT** on a parcel of land in Section 25, Township 43 South, Range 42 East being more particularly described as follows:

Commencing at the Northeast corner of said Section 25, run thence West (an assumed bearing) along the North line of said Section 25, 1011.85 feet; thence South 00 degrees 54'00" West 675.46 feet; thence

run North 89 degrees 48'10" West 10 feet to the Point of Beginning, and the Northeast corner of the herein described parcel; continue thence North 89 degrees 48'10" West 327.17 feet; thence South 00 degrees 53'30" West 184.95 feet; thence South 89 degrees 47'35" East, 327.14 feet; thence North 00 degrees 54'00." East a distance of 185.01 feet, more or less, to the Point of Beginning. Said property located on the west side of **Donnell Road**, approximately 0.1 mile South of Okeechobee Road (**S.R.704**), was approved as amended subject to the following conditions:

1. Prior to site plan certification, the petitioner shall pay to the County the difference between the filing fee for a straight rezoning of this property and the fee for a Planned Residential Development.
2. Within 90 days of approval, the property owner shall convey to Palm Beach County the additional right of way to provide for a full local street section for **Donnell Road**, 30 feet from centerline.
3. Prior to site plan certification, the plan shall be amended to provide for:
 - a) identification and preservation of existing significant **onsite** vegetation; and
 - b) redesign of the proposed ~~development~~ to provide for perimeter buffering along the north, south, and east property lines and to prevent the slab-style **apperarance** currently proposed for the apartment building;
 - c) all required parking.
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 shall contribute **\$3,200.00** towards the cost of meeting this project's direct and identifiable impact to be paid at the rate of \$200.00 per multi-family dwelling unit, to be paid at the time of issuance of the building permit.

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:

Ken Spillias, Chairman	-- AYE
Dorothy Wilkens, Vice Chairman	-- AYE
Peggy Evatt, Member	-- AYE
Dennis P. Koehler, Member	-- AYE
Bill Bailey, Member	-- AYE

The foregoing resolution was **declared** duly passed and adopted

this
1984.

AUG 21 1984

confirming action of the 26th of April

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Judy Maddox
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Charles H. ...
County Attorney

