

RESOLUTION NO. R-84-1186

RESOLUTION APPROVING ZONING PETITION 84-16, 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. 84-16 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 24th of May 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 requirement of the Comprehensive Plan provided traffic impacts are addressed through conditions of **approval**.
2. The proposal is consistent with all Zoning Code requirements.
3. The requested density is appropriate at this location.
4. The proposed design will minimize impacts upon adjoining properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 24th of May 1984, the petition of C. STANLEY WEAVER, TRUSTEE By Lee **Starkey**, Agent, for THE SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the Southwest corner of Section 25, Township 45 South, Range 42 East; thence North 89 degrees **26'14"** East along the South line of said Section 25, for a distance of 50.0 feet to a point in the East right-of-way line of Military Trail (S.R.809); thence North 0 degrees **01'45"** East along said right-of-way line for a

distance of 35.0 feet to the Southwest corner and Point of Beginning of this description; thence North 89 degrees 26'14" East, along a line parallel with the South line of said Section 25, a distance of 1305.46 feet to the Southwest corner of lot 181 of the unrecorded plat of Pine Tree Golf Club; thence North 0 degrees 41'38" East, along the Westerly boundary of said unrecorded plat of Pine Tree Golf Club, a distance of 880.97 feet; thence South 89 degrees 26'14" West, a distance of 1315.68 feet to a point in the said Easterly right-of-way line of Military Trail (S.R.809); thence departing from the boundary of said unrecorded plat of Pine Tree Golf Club, run South 0 degrees 01'45" West along said Easterly right-of-way line of Military Trail (S.R.809), a distance of 880.86 feet to the Point of Beginning. Said property located on the property located on the east side of Military Trail (S.R.809) and being bounded on the south by Lake Worth Drainage District Lateral Canal No. 26, **approximately .8** mile south of Boynton Beach Boulevard, was approved as advertised subject to the following conditions:

1. This development shall retain **onsite** the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.
2. The developer shall construct on Military Trail at the project's entrance road, concurrent with the filing of the first plat:
  - a) Left turn lane, north approach.
  - b) Right turn lane, south approach.
3. If Military Trail has not been constructed as a 4-lane divided section prior to the recording of the first plat then the developer shall post surety to guarantee the construction of left turn lane, north approach and a right turn lane, south approach on Military Trail at the proposed entrance road to be constructed concurrent with the **4-laning** of Military Trail along the project's frontage.
4. This development will be permitted the issuance of only 100 Building Permits until Military Trail is 4-laned along the project's frontage.
5. The developer shall contribute Seven Hundred Dollars (\$700.00) 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 **4-laning** Boynton Beach Boulevard. This contribution shall be accepted in lieu of the "Fair Share" impact fee.
6. Reasonable precautions shall be exercised during site

development to insure that unconfined **particulates** (dust particles) from this property do not become a nuisance to neighboring properties.

7. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
8. Prior to certification, the Master Plan shall be amended to specify a typical buffer area treatment consisting of a combination of berm, fence and hedge to achieve a height of 6 feet at time of installation along the north and east property boundaries, to be supplemented by one canopy tree per 30 feet of property line.

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

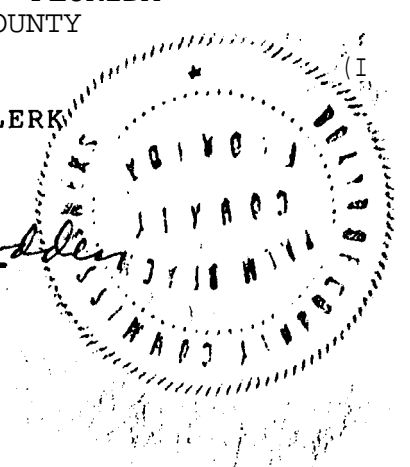
Ken Spillias, Chairman	-- ABSENT
Dorothy Wilkens, Vice Chairman	-- AYE
Peggy Evatt, Member	-- AYE
Dennis P. Koehler, Member	-- AYE
Bill Bailey, Member	-- AYE

The foregoing resolution was declared duly passed and adopted this **AUG 21 1984** , confirming action of the 24th of May 1984.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Frederick Madole  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

[Signature]  
County Attorney