

RESOLUTION NO. R-84-1285

RESOLUTION APPROVING ZONING PETITION 78-262(B), 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. 78-262(B) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th of June 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 proposal is consistent with the requirements of the Zoning Code and the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 28th of June 1984, the petition of FAIRFIELD COMMUNITIES INC., By Jeffery M. Birr, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR CEDAR GROVE PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 78-262(A) TO DELETE THE NURSING HOME, REDUCE AND RELOCATE THE RECREATION AREA on parcels A and B Cedar Grove Planned Unit Development in Section 23, Township 47 south, Range 42 East, as recorded in Plat Book 41, Pages 39 and 40 subject to a proposed Drainage Easement being more particularly described as follows:

A parcel of land 40.00 feet in width, being a portion of Parcel "A", "Cedar Grove Planned Unit Development" on Section 23, Township 47 South, Range 42 East, as recorded in Plat Book 41, Pages 39 and 40, lying 20.00 feet each side of the following described centerline;

-Commencing at the Southeast corner of said Cedar Grove Plat, said point also being on the North corporate limits of the City of Boca Raton, Florida; thence South 89 degrees 51'25" West, along said North corporate limit line, said line also being the Southerly line of said Cedar Grove Plat, a distance of 856.61 feet, to the Point of Beginning of this description; thence North 16 degrees 40'19" East, the sides of said 40.00 foot parcel to extend or shorten along lines bearing South 89 degrees 51'25" West from the Point of Beginning of this description, a distance of 431.12 feet to the Point of Terminus of this description, said Point of Terminus being the intersection of said centerline and the arc of a circular curve to the left, having a radius of 90.01 feet, said radius point bearing North 05degrees 34'53" West from said Point of Terminus said arc being coincident with the Southerly boundary of Parcel "B", of said Cedar Grove Plat, the sides of said centerline terminating at the intersections of said sides and the arc of said curve. Said property located on the east side of Military Trail (S.R.809), approximately .4 mile south of Boca Raton West Road (S.R.808) in an RM-Residential Multiple Family District (Medium Density) was approved as advertised subject to the following conditions:

1. The developer shall construct concurrent with the improvements constructed during the first plat, a left turn lane, north approach and a right turn lane, south approach on Military Trail and the project's entrance road.
2. The developer shall construct left and right turn lanes, east approach, at the project's entrance road and Military Trail concurrent with on-site paving and drainage improvements and prior to the issuance of a certificate of occupancy.
3. The developer shall limit the access tracts to a maximum length of six hundred (600') feet from a dedicated right-of-way.
4. The developer shall provide for an eighty (80) foot entrance road from Military Trail.
5. The developer shall contribute Eighty Seven Thousand Dollars (\$87,000) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(§). The developer, at his option, may elect to construct in kind, improvements to the arterial roadway system to include, but not to be limited to, the construction of an additional two (2) lanes on Butts Road from Military Trail westerly approximately one thousand one hundred (1,100) feet (replacement value \$130,000.00), signalize the intersection of Butts Road and Military Trail (replacement value \$14,000.00), and/or the construction of dual left turn lane, south approach, and a right turn lane, north approach, at the intersection of Military Trail and Butts Road (replacement value \$20,000.00).

6. The property owner shall convey the South 20.00 feet of the Northeast 1/4 of Section 23, Township 47 South, Range 42 East, of Military Trail to the Lake Worth Drainage District with some physical Canal improvement or Storm Sewer System to be determined by the developer.

7. This Planned Unit Development shall be limited to a total of 450 dwelling units. In addition, the developer shall establish a buffer area of single family development on the property owned by this developer within the City of Boca Raton adjacent to the Paradise Palms. Any multi-story (3+) development within the PUD shall be limited to the northern portion of the property adjacent to the lake.

8. Access shall be provided through this property from Military Trail to the properties to the east within the City of Boca Raton as shown on the approved Master Plan.

9. The developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction.

10. 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.

11. 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.

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

Commissioner Evatt, 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	-- 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 11th day of September, 1984 confirming action of the 28th of June 1984.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK


COUNTY ATTORNEY

BY: 
DEPUTY CLERK

