

RESOLUTION NO. R- 85-15

RESOLUTION APPROVING ZONING PETITION 78-225(A), 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. 78-225(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd of August 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 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 23rd of August 1984, that Petition No. 78-225(A) the petition of THOMAS P. MCFADDEN AND ROGER A. ZONA By Roger A. Zona, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR WHITE FEATHER PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 78-225 on the following described property all being in Section 13, Township 45 South, Range 42 East; the North 1/2 of the Southwest 1/4 of the Northwest 1/4, less those portions thereof lying West and North of the right-of-way of S.R. 809 (Military Trail); together with the West 1/2 of the Southeast 1/4 of the Northwest 1/4, less the West 160 feet of the North 272.25 feet thereof, together with an easement 60 feet in width for road and utility purposes, more particularly

described as the East 30 feet of the West 1/2 of the Northwest 1/4 and the West 30 feet of the East 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4. Said property located on the east side of Military Trail (S.R.809) being bounded on the north side by Old Military Trail and on the south by N.W. 22nd Avenue in an RS-Residential Single Family District was approved as advertised subject to the following conditions:

1. 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.
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
3. 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.
4. The property owner shall convey for the ultimate right of way of:
 - a) Military Trail, 60 feet from centerline.
 - b) N.W. 22nd Avenue, 110 feet south of the quarter-quarter section line.

All within 90 days of approval and conveyances must be accepted by Palm Beach County prior to issuance of first building permit.

5. The Developer shall provide the construction plans for N.W. 22nd Avenue as a 2-lane section from Lawrence Road west to Military Trail, per the County Engineers approval. These plans shall be completed within one year from the approval date by the Board of County Commissioners or prior to the issuance of 100 Building Permits, whichever shall first occur.

6. The Developer shall construct N.W. 22nd Avenue as a 2-lane section from Lawrence Road west to Military Trail, per Condition #3 above. This construction shall be completed within two years from the approval date by the Board of County Commissioners or prior to the issuance of 262 Building Permits, whichever shall first occur. Surety must be posted for this construction within 90 days of adoption of the resolution by the Board of County Commissioners.

7. The cost of acquiring the right-of-way for said improvements shall be borne by the developer to provide sufficient right-of-way for an acceptable design at the Lawrence Road intersection. These funds shall be provided upon the request by the County Engineer. This right-of-way shall be acquired within one year of the approval date by the Board of County Commissioners. This road construction and right-of-way acquisition shall be credited toward the Fair Share Impact Fee of \$103,800.00. However, prior to the letting of the contract for this construction, surety must be posted with the County in the amount of \$250.00 per Single Family structure and \$175.00 for Multi-Family structures. This surety will be returned to the developer upon the letting of the contract for N.W. 22nd Avenue.

8. Petitioner shall construct on Military Trail at its intersection with N.W. 22nd Avenue, at the time of the construction of N.W. 22nd Avenue;

- a) Right turn lane, south approach.
- b) Left turn lane, north approach.
- c) Left turn lane, east approach.

d) Signalization when warranted, as determined by the County Engineer .

9. Petitioner shall construct at the intersection of Lawrence Road and N.W. 22nd Avenue at the time of construction of N.W. 22nd Avenue a left turn lane, south approach.

10. Developer shall construct a left turn lane, north approach and a right turn lane, south approach on Military Trail at the time of construction of the project's entrance road onto Military Trail.

11. Developer shall construct a left turn lane, west approach and a right turn lane, east approach on N.W. 22nd Avenue at the project's entrance road at the time of construction of N.W. 22nd Avenue.

12. The Petitioner shall provide Palm Beach County with a road drainage easement through this project's internal lake system to legal positive outfall for the road drainage of N.W. 22nd Avenue and Military Trail. This drainage easement shall be subject to all governmental agency requirements.

13. The height of the proposed townhouses and garden apartments along N.W. 22nd Avenue shall be no greater than two (2) stories in height.

14. The Master Plan shall be corrected to indicate the ingress and egress for the project.

15. Petitioner has voluntarily agreed to provide to the School Board of Palm Beach County, \$250.00 per dwelling unit, total PUD dwelling unit count of 498 units, for a total of \$124,500.00 in the form of a clean irrevocable letter of credit in favor of the School Board of Palm Beach County, for school site acquisition and/or site related improvements. This letter of credit shall be provided in a form acceptable to the School Board within 90 days of the date of adoption of the rezoning and PUD special exception resolution for the subject project.

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

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

The foregoing resolution was declared duly passed and adopted this day of January 8, 1985 confirming action of the 23rd of August 1984 .

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Sandy Sprague
County Attorney

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: Charlene Harris
Deputy Clerk

