

RESOLUTION NO. R-85-18

RESOLUTION APPROVING ZONING PETITION 81-131(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. 81-131(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.
2. The proposal, with minor revisions to the site plan, will be consistent with the requirements of the Zoning Code.

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. 81-131(A) the petition of RADICE CORPORATION AND RUDOLF AND ELIZABETH SCHMIDT, By C.F. Radice, Agent, for a SPECIAL EXCEPTION TO EXPAND AND AMEND THE MASTER PLAN FOR BOCA DELRAY PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 81-131, TO INCLUDE AN ADDITIONAL 25 ACRES AND TO TRANSFER 50 MULTI-FAMILY UNITS FROM PARCEL "C" TO THE ADDITIONAL 25 ACRE SITE on the East 859.00 feet of the Southwest 1/4 of Section 26, Township 46 South, Range 42 East, together with the North 1/2 of the North 1/2 of the South 1/2 of the Southeast 1/4 of Section 26, Township 46 South, Range 42 East, less the East 75.00

feet thereof for Military Trail right-of-way; together with the South 3/4 of the South 1/2 of the Southeast 1/4 of Section 26, Township 46 South, Range 42 East, **less** the East 75.00 feet thereof for Military Trail right-of-way being more particularly described as follows:

Commencing at the Southeast corner of the said Section 26; thence South 89 degrees 07'44" West, along the South line of said Section 26, a distance of 75.00 feet, to the Point of Beginning of this description; thence North 01 degrees 22'31" West, along a line 75.00 feet West of and parallel with, as measured at right angles to the East line of said Section 26, a distance of 1345.58 feet; thence South 89 degrees 14'37" West, along the North line of the South 1/2 of the Southeast 1/4 of said Section 26, a distance of 2598.01 feet; thence North 00 degrees 56'28" West, along the North-South 1/4 section line of said Section 26, a distance of 1350.74 feet, to the center of said Section 26; thence South 89 degrees 21'35" West, along the East-West 1/4 section line of said Section 26, a distance of 859.01 feet; thence South 00 degrees 56'28" East, along the West line of the East 859.00 feet of the Southwest 1/4 of said Section 26, a distance of 2704.93 feet; thence North 89 degrees 07'44" East, along the South line of said Section 26, a distance of 859.00 feet, to the South 1/4 corner of said Section 26; thence continue North 89 degrees 07'44" East, along the South line of said Section 26, a distance of 2608.19 feet, to the Point of Beginning, together with the West 403 feet of the East 1262 feet of the Southwest 1/4, less Canal right-of-way, Section 26, Township 46 South, Range 42 East. Said property located on the west side of Military Trail (S.R. 809), being bounded on the south by Lake Worth Drainage District Lateral Canal No. 38 and bounded on the north by Lake Worth Drainage District Lateral Canal No. 37 was approved as advertised subject to the following conditions:

1. Prior to certification by the Site Plan Review Committee, the plan shall be revised to meet the 2% civic site area requirement.
2. The petitioner shall comply with previously imposed conditions of zoning petition 81-131.
3. Lake Worth Drainage District will require the North 70 feet of the West 403 feet of the East 1262 feet of the Southwest Quarter (SW 1/4) of Section 26, Township 46 South, Range 42 East, Palm Beach County, Florida, for the

right-of-way for Lateral Canal No. 37 and the South 105 feet of the West 403 feet of the East 1262 feet of the Southwest Quarter (SW 1/4) of said Section 26 for the right-of-way for Lateral Canal No. 38. LWDD will accept an Easement or Quit Claim Deed, whichever the owner prefers.

4. 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.

5. 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.

6. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

Commissioner Koehler, moved for approval of the petition. The motion was seconded by Commissioner Wilken, 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	---	AYE
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.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY Barlene Harris
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney