

RESOLUTION NO, R-85-21

RESOLUTION APPROVING ZONING PETITION 83-28(A), Rezoning

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, 83-28(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 and 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. 83-28(A) the petition of WESTWOOD GARDENS By David Carpenter, Agent, for the REZONING, FROM AR-AGRICULTURAL RESIDENTIAL DISTRICT, IN-PART, ~~RTS-RESIDENTIAL TRANSITIONAL SUBBURBAN DISTRICT,~~ IN-PART TO RS-RESIDENTIAL SINGLE FAMILY DISTRICT on the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 35, Township 41 South, Range 42 East, less that portion lying within the right-of-way of Hood Road as described in Deed Book 1142, Page 334. Said property located on the southeast corner of the intersection of Hood Road and Florida's Turnpike, approximately .5 mile west of Military Trail

(S.R.809) was approved as advertised subject to the following conditions:

1. Prior to certification by Site Plan Review Committee, the master plan shall be amended to reflect:

- a) All required tabular information.
- b) The required 25' perimeter buffer strip.
- c) Access into the PUD from the public right-of-way.
- d) Access into the commercial area.
- e) Additional acreage for the 2% of gross acreage devoted to civic site uses, or variance relief from the Board of Adjustment for this requirement.

2. 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.

3. Acoustical buffering between 1-95 and residential/recreational areas shall be incorporated into the site plan to mitigate the noise from 1-95.

4. 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.

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

6. The developer shall construct signalization when warranted by the County Engineer on Hood Road and the project's entrance roads.

7. The developer shall pay a Fair Share Fee for the additional 99 units in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently, the Fair Share Fee for this project is \$19,800.00.

In addition, based on the amount of traffic generated by this development, the developer has agreed to contribute an additional \$79,200.00 toward Palm Beach County's existing Roadway Improvement Program, to be paid within **six** (6) months of approval date by the Board of County Commissioners. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount shall be credited toward the increased Fair Share Fee.

8. 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 Hood Road. This drainage easement shall be subject to all governmental agency requirements.

9. Petitioner shall comply with all conditions of the previous approval, except Condition Number 1 of that approval. Condition Number 1 of the previous approval is redrafted as part of this approval, and appears as condition Number 10, below.

10. The developer shall construct Military Trail as a four lane median divided section (expandable to six lanes) from Hood Road south to Elm Street plus any appropriate tapers per the County Engineer's approval. This construction shall include but not be limited to sidewalks, bike paths, curbs and gutters around the median, and drainage. All plans and construction shall **be** bonded with surety acceptable to the County Engineers office **within 90 days after the**

approval date by the Board of County Commissioners; costs shall be based upon a certified estimate **by** the developer's engineer subject to approval by the County Engineer's office. Construction for this section of roadway shall commence no later than 120 days of the approval date by the Board of County Commissioners or prior to recording of the final plat, and shall be completed prior to one year of special exception approval.

11. 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 99 units, for a total of \$24,750.00, 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 Koehler , 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:

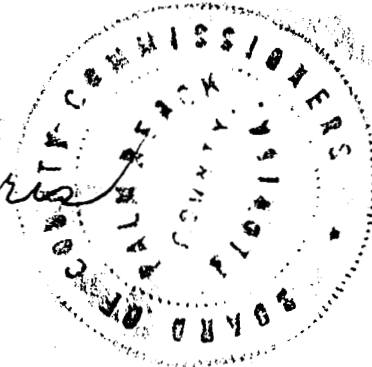
Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Peggy Evatt, Member	--	ABSENT
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member	--	AYE

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: Marlene Harris  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Sprague  
County Attorney