

RESOLUTION NO. R-85-943

RESOLUTION APPROVING ZONING PETITION 73-219(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. 73-219(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th April 1985; 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. This 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 25th of April 1985, that Petition No. 73-219(A) the petition of BREAKERS WEST DEVELOPMENT CORPORATION By Russell C. Scott, Agent, for a SPECIAL EXCEPTION TO EXPAND AND AMEND THE MASTER PLAN FOR BREAKERS WEST PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 73-219 on a parcel of land situated in Block 2, of the Palm Beach Farms Company Plat No. 3, in Section 29,30, Township 43 South, Range 42 East, as recorded in Plat Book 2, Page 46, more particularly described as follows:

Tract 18 of said Block 2 and all that portion of Tracts 12 and 17 of said Block 2 lying Westerly of the West right-of-way line on Rubin Road as shown on the Right-of-way Map #3-79-561 R/W, less the South 75 feet of said Tracts 17 and 18. And,

All that certain 30 foot right-of-way as shown on said Palm Beach

Farms Company Plat No. 3, bounded as follows:

On the North by the South line of Tract 9 of said Block 2,
on the South by the North line of said Tract 12,
on the West by the Northerly extension of the West line of said Tract
12,

on the East by the West right-of-way line of said Rubin Road and,
All that certain 50 foot road right-of-way as shown on said Palm
Beach Farms Company Plat No. 3, bounded as follows:

On the North by the Westerly extension of the North line of said
Tract 18,

on the South by the Westerly extension of the North line of the South
75 feet of said Tract 18,

on the West by the East line of Tract 11, Block 1 of said Palm Beach
Farms Company's Plat No. 3,

on the East by the West line of said Tract 18. Together with:

Beginning at the Northwest corner of Tract 5, Block 1, Palm Beach
Farms Company Plat No. 9, in Section 29,30, Township 43 South, Range
42 East, as recorded in Plat Book 5, Page 58, thence Southerly on the
West line of Tract 5, 481.94 feet, thence angle 97 degrees 51'20"
from North to East and run Easterly 155.42 feet, thence on a curve
concave to the Southeast and a radius of 70 feet run Easterly 54.90
feet to the end of said curve, thence Easterly on a tangent of said
curve 32.15 feet to the beginning of a curve concave to the Northwest
and a radius of 30 feet, thence Northerly by said curve 47.12 feet to
the end of said curve, thence Northerly on a line parallel to and 40
feet Westerly from the East line of the West 1/2 of Tract 5, a
distance of 448.98 feet to the North line of Tract 5, thence angle 91
degrees, 46', from South to West and run Westerly 262 feet on the
North line of Tract 5 to the Point of Beginning, excepting the
right-of-way of Lateral Canal No. 1 on the North line. Together
with:

From the Southwest corner of the West 1/2 of Tract 5, Block 1, Palm
Beach Farms Company Plat No. 9, as recorded in Plat Book 5, Page 58,
run thence Northerly along the West line of said West 1/2 of Tract 5,
a distance of 722.90 feet to the point of beginning; thence continue

Northerly along said West line of Tract 5, a distance of 240.96 feet; thence run Southeasterly, at an angle of 82 degrees, 08'40", from South to Southeast a distance of 155.42 feet; thence run Southwesterly on a curve concave to the Southeast and having a radius of 70.00 feet, a distance of 54.90 feet to the end of the curve; thence run Southerly, on a tangent to said curve, a distance of 167.26 feet; thence run Westerly, at an angle of 89 degrees, 28'00" from North to West, a distance of 132.54 feet to the Point of Beginning. Together with:

The North 1/2 of the following described property:

From the Southwest corner of the West 1/2 of Tract 5, Palm Beach Farms Company Plat No. 9, as recorded in Plat Book 5, Page 58, run thence Northerly along the West line of said West 1/2 of Tract 5, a distance of 481.93 feet to the Point of Beginning; thence continue Northerly along said West line of Tract 5, a distance of 240.97 feet; thence run Easterly at an angle of 89 degrees 35'30" from South to East, a distance of 132.54 feet; thence run Southerly at an angle of 90 degrees 32'00" from West to South, a distance of 240.11 feet, thence run Westerly at an angle of 89 degrees 50'10" from North to West a distance of 133.05 feet to the Point of Beginning. Together with:

From the Southeast corner of the West 1/2 of Tract 5, Block 1, Palm Beach Farms Plat No. 9, run Northerly on the East line of the West 1/2 of said tract, 597.50 feet to the Point of Beginning; thence angle 90 degrees 28'25" from South to West and run Westerly 132.79 feet; thence angle 90 degrees 20'55" from East to North and run Northerly 119.93 feet; thence angle 89 degrees 28' from South to East and run Easterly 132.54 feet to the East line of said West 1/2 of Tract 5; thence angle 90 degrees 39'30" from West to South and run Southerly on said East line of West 1/2 of Tract, 119.50 feet to the Point of Beginning. Together with road right-of-way as described in Official Record Book 94, Page 101. Together with:

From the Southeast corner of the West 1/2 of Tract 5, Block 1, Palm Beach Farms Company Plat No. 9, in Section 29,30, Township 43 South, Range 42 East, as recorded in Plat Book 5, Page 58, run thence Northerly on the East line of said West 1/2 of Tract 5, a distance of

717.00 feet to the Point of Beginning; thence Westerly, angling 90 degrees 39'30" from the South to West, a distance of 132.54 feet; thence Northerly angling 90 degrees 32' from East to North, a distance of 100 feet; thence Easterly, angling 89 degrees 28' from South to East, a distance of 132.33 feet to a point in the East line of the West 1/2 of Tract 5; thence Southerly, on said East line 100 feet to the Point of Beginning. Together with:

From the Southeast corner of the West 1/2 of Tract 5, Block 1, Palm Beach Farms Company Plat No. 9, as recorded in Plat Book 5, Page 58, run Northerly on the East line of said West 1/2 of Tract 5, a distance of 817.00 feet to the Point of Beginning; thence Westerly, angling 90 degrees 39'30" from South to West, a distance of 132.33 feet; thence Northerly, angling 90 degrees 32' from East to North, a distance of 67.63 feet to the P.C. of a curve, concave to the Southeast, of radius of 30 feet; thence Northerly on the arc of said curve 47.06 feet to the end of said curve; thence Easterly on the tangent of said curve, 32.15 feet to the P.C. of a curve, concave to the Northwest, of radius of 70 feet; thence Northeasterly on the arc of said curve 109.96 feet to the end of said curve; thence Easterly at right angles to the tangent of said curve a distance of 20 feet to a point in the said East line of the West 1/2 of Tract 5; thence Southerly on said East line 169.0 feet to the Point of Beginning.

Together with road right-of-way as described in Official Record Book 94, Page 101. Said property located on the south side of Okeechobee Boulevard (S.R. 704), and on the east side of U.S. 441 (S.R. 7), being bounded on the south by Belvedere Road 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. Breakers West Development Corp. shall convey for the ultimate right of way of Lyons Road 60 feet from centerline, approximately an additional 20 feet, within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit and shall be for all remaining unplatted parcels of property owned by Breakers West.
3. 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 Okeechobee Boulevard,

Lyons Road and Belvedere Road. This drainage easement shall be subject to all governmental agency requirements.

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. Prior to Master Plan certification the master plan shall be amended to reflect the following:

a) Appropriate housing categories for each parcel pursuant to Section 402.7.B.3.d(2) of the zoning code.

b) Plat book and page number of recorded platted parcels and corresponding dwelling unit count.

c) All parcels previously site planned shall reflect the corresponding unit count.

7. Prior to master plan certification the developer shall provide documentation of right-of-way access to the "not included" parcel located in the northwestern portion of the site.

8. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

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

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	ABSENT
Dorothy Wilken, Member	--	AYE

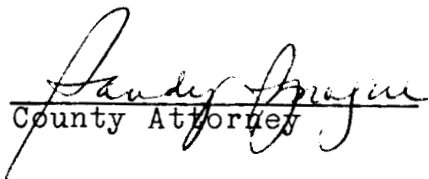
The foregoing resolution was declared duly passed and adopted this day of JUN 25 1985 confirming action of the 25 April 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupre
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney