

RESOLUTION NO. R- 81-631

RESOLUTION APPROVING ZONING PETITION

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. 81-71 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 23 April 1981; 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 would be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT ~~RESOLVED~~ BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this **12th** day of May, **1981**, that **Petition** No. 81-71 the petition of TRACANA, INC., by William R. Boose, III, Attorney, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land lying in the South **1/2** of Section 29, Township 47 South, Range 42 East, said parcel being described as

Tract. 72, Block 80, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, pages 45-54; together with a parcel of land lying in the South 1/2 of Section 29 and the North 1/2 of Section 32, Township 47 South, Range 42 East, said parcel being described as Tract 91, Block 80, Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, pages 45-54; together with, a parcel of land lying in the South 1/2 of Section 29, Township 47 South, Range 42 East, said parcel being described as **that** portion of Tracts 73 through 82, inclusive, and Tract 92, Block 80, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, pages 45-54, lying West of the West right-of-way line of **Boca** Rio Road, TOGETHER WITH the abutting 30 foot road Right-of-Way shown on said **plat**. Said property located on the west side of **Boca** Rio Road (**Rock** Pit Road), and on the east side of 85th Avenue South, approximately .5 mile north of the Hillsboro Canal, was approved as advertised subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County:
 - a. 80' for the right-of-way for **Boca** Rio Road through the project's limits.
 - b. 40' south of the project's north property line for the right-of-way for S.W. 8th Street.
2. Petitioner shall acquire 80' of right-of-way for **Boca** Rio Road west of the Florida Turnpike from **Boca** Lago Blvd. to the project's north property line.
3. Petitioner shall reconstruct **Boca** Rio Road from **Boca** Lago Blvd. south to the existing end of pavement per the County Engineer's approval.
4. Petitioner shall construct **Boca** Rio Road from the existing end of pavement to the project's south property line.
5. Petitioner shall construct S.W. 8th Street as a 2-lane section from **Boca** Rio Road to the project's west property line.

6. Petitioner shall construct at the intersection of S.W. 8th Street and **Boca** Rio Road a right turn lane north approach.
7. Petitioner shall construct at the intersection of **Boca** Rio Road and the project's entrance a right turn lane north approach.
8. Petitioner shall construct at the intersection of S.W. 8th Street and the project's entrance:
 - a. left turn lane, south approach
 - b. left turn lane, east approach
9. Prior to the issuance of Certificates of Occupancy for dwelling units in Phase I, construction of **Boca** Rio Road, as a two lane section, from **Boca** Lago Boulevard on the north to Southwest 18th Street on the south, shall be completed to provide for paved access continuity for **Boca** Rio Road from Southwest 18th Street to Glades Road as per the County Engineer's approval.
10. Prior to the issuance of Certificates of Occupancy for dwelling units in Phase III, construction of Southwest 18th Street, as a two lane section from Lyons Road on the west to **Boca** Rio Road on the east, shall be completed to provide for paved access continuity for Southwest 18th Street from Lyons Road to **Boca** Rio Road as per the County Engineer's approval.
11. Petitioner shall acquire 80 feet of right-of-way for **Boca** Rio Road in locations where an existing 60 foot right-of-way does not exist from Southwest 18th Street on the **south to Boca** Lago Boulevard on the north. The required 80 foot right-of-way section shall be reduced to 60 feet at the discretion of the County Engineer.
12. Petitioner shall construct a two lane section for Palmetto Park Road from Lyons Road on the east to the entrance of the proposed Palm Beach County park located on the south side of Palmetto Park Road for a distance of 2,640 feet, plus or minus.
13. Petitioner shall provide access over L.W.D.D. Lateral No. 48 from Palmetto Park Road to the proposed Palm Beach County park site on the south side of Palmetto Park Road.
14. Petitioner shall construct an eight foot asphalt bike path along Lyons Road from Southwest 3rd Street north to the intersection of Palmetto Park Road and Lyons Road and along the south side of Palmetto Park Road from the intersection of Palmetto Park Road and Lyons Road westerly to the entrance of the proposed Palm Beach County park site located on the south side of Palmetto Park Road.
15. Petitioner shall construct a left turn lane, south approach, at the intersection of Glades Road and **Boca** Rio Road.

16. In the event of the **occurrence** of third party construction for **Boca** Rio Road, monies saved, per a certified cost estimate by the petitioner, shall be added to the Palmetto Park Road construction program set forth in Condition No. 12 above.
17. In the event of the County's decision not to approve the proposed Palm Beach County park on the south side of Palmetto Park Road west of the intersection of Palmetto Park Road and Lyons Road, the County Engineer reserves the right to relocate the Palmetto Park Road construction phase to be constructed 'by petitioner to accommodate an overall Palmetto Park' Road construction program between **Boca** Rio Road and State Road 7 (U.S. 441) as part of Phase II of the Board of County Commissioners **Areawide** Road Improvement Plan for the area within which the subject project is located.
18. The developer will take necessary precautions to insure that pollutants from this project will not run-off into adjacent or nearby surface waters.
19. The developer will take reasonable precautions during the development of this project to insure that fugitive **particulates** (dust particles) from the project do not become a nuisance to neighboring properties.
20. The Lake Worth Drainage District will require **right-of-way** for Lateral Canal No. 50 as shown on the L.W.D.D. Right-of-Way Maps, Sheet 155 of 240 as recorded in the office of the Clerk of the Circuit Court. We will accept a quit Claim Deed or an Easement '(on our form), whichever the owner prefers.
21. The developer shall enter into a contractual agreement with Palm Beach County to guarantee proposed roadway, drainage and park dedication improvements.
22. Prior to site plan approval, the petitioner shall amend the site plan to provide more graphic detail of proposed recreational facilities.
23. An eight foot asphalt **bikepath** shall be constructed along S.W. 8th Street from the project's west propertyline to Lyons Road.

Commissioner Koehler , moved for approval of the petition.

The motion was seconded by Commissioner Evatt , and upon being put to a vote, the vote was as follows:

Frank Foster, Chairman	AYE
Norman Gregory, Vice Chairman -	NAY
Bill Bailey, Member	NAY,
Dennis Koehler, Member	AYE
Peggy B. Evatt, Member	AYE

The foregoing resolution was declared duly passed and adopted
this 19th day of May, 1981, confirming action of
23 April 1981.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: Ruth Van Otteren
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Sam M. Borden
County Attorney

