

RESOLUTION NO. R-81-633

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. 81-72 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. 81-72 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 situated, lying and being in the Northeast **1/4** of Section 32, Township 47 South, Range 42 East, more

fully described as follows: Commencing at the Northeast corner of said Section 32; thence Westerly along the North line of said Section 32, a distance of 369.52 feet to a point on the West right-of-way line of Sunshine State Parkway; thence Southerly along said West right-of-way line, which forms an angle of **89°56'43"**, as measured from East to South with last described course, a distance of 680.58 feet to the Point of Beginning; thence continue Southerly along said West Right-of-Way line, a distance of 1965.35 feet to a point on the Centerline of Hillsboro Canal Right-of-way, also being the South line of Palm Beach County; thence Westerly along said centerline which forms an included **angle** of **89°13'56"** with last described course a distance of 2230.24 feet to a point on the West line of said Northeast **1/4**; thence Northerly along said West line, which forms an included angle of **92°15'16"** with last described course, a distance of 1941.18 feet; thence Easterly along a line which forms an included angle of **88°23'10"** with last described course, a distance of 2280.41 feet to the Point of Beginning, LESS the South 130 feet thereof for right-of-way for the Hillsboro Canal. Said property located on the west side of **Boca** Rio Road and being bounded on the south by 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. one hundred twenty (**120**) feet for the ultimate right-of-way for S.W. 18th Street through the project's limits,
 - b. Eighty (**80**) feet for the right-of-way for **Boca** Rio Road from S.W. 18th Street to the project's north property line.
 - c. Additional right-of-way for S.W. 18th Turnpike overpass.
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 S.W. 18th Street per the County Engineer's **approval**.
5. Petitioner shall construct S.W. 18th Street as a 2-lane section from **Boca** Rio Road to the project's west property line per the County Engineer's approval.
6. Petitioner shall construct at the intersection of **Boca** Rio Road and Glades Road:
 - a. right turn lane, west approach
 - b. left turn lane, south approach
7. Petitioner shall construct at S.W. 18th Street and the project's east entrance:
 - a. left turn lane, north approach
 - b. left turn lane, south approach
 - c. left turn lane, east approach
 - d. left turn lane, west approach
 - e. signalization when warranted as determined by the County Engineer.,
8. Petitioner shall construct at S.W. 18th St. and the project's west entrance:
 - a. left turn lane, north approach
 - b. left turn lane, south approach
 - c. left turn lane, east approach
 - d. left turn lane, west approach
 - e. signalization when warranted as determined by the County Engineer
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. T h e 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 by crossing over L.W.D.D. Lateral Canal 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. Provide surety for construction of Palmetto Park Road referred to in Condition No. 12 above at time of initiation of construction of improvements for the proposed Palm Beach County park site south of Palmetto Park Road or at the County Engineer plans the construction of Palmetto Park Road, whichever occurs first.
19. The developer will take necessary precautions to insure that pollutants from this project will not run-off into adjacent or nearby surface waters.
20. 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.
21. The Lake Worth Drainage District will not require additional right-of-way for Equalizing Canal No. 2-W as long as the County requires **Boca** Rio Road to be extended to the Hillsboro Canal. If the Road is not run to the Hillsboro, we will require 30 feet for canal maintenance area.

22. The developer shall enter into a contractual agreement with Palm Beach County to guarantee proposed roadway, drainage, and park dedication improvements.
23. Prior to site plan approval, the petitioner shall amend the site plan to provide more graphic detail of proposed recreational facilities.
24. An eight foot asphalt **bikepath** shall be constructed along S.W. 18th 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 39th 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 Allen*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Sam M. Brubaker
County Attorney

