

RESOLUTION NO. R- 85-703

RESOLUTION APPROVING ZONING PETITION 77-13(B), Modification

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. 77-13(B) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 24th January 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. 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 24th of January 1985, that Petition No. 77-13(B) the petition of OAKHILL HOMES, INC., By William Joyner, Agent, to MODIFY THE FOLLOWING SPECIAL CONDITION PLACED ON ZONING PETITION NO. 77-13 APPROVED JANUARY 27, 1977:

CONDITION NO. 8 STATES:

8. The shopping center shall be limited to one hundred twenty thousand (120,000) square feet and provide one hundred (100) foot setback from the ultimate right-of-way line of State Road No. 7. A fifty (50) foot landscaped buffer zone, containing no paving, shall be provided within the one hundred (100) foot setback. Furthermore, a "no access" easement shall be dedicated to Palm Beach County along State Road No. 7 within the buffer zone with the intent to exclude access to State Road No. 7, except as outlined in the associated

conditions.

REQUEST TO MODIFY CONDITION NO. 8 TO READ:

The Shopping Center shall be limited to one hundred twenty thousand (120,000) square feet and provide one hundred (100) foot setback from the ultimate right-of-way line of State Road No. 7.

A fifty (50) foot landscaped buffer zone; containing three thirty-five foot wide entrance roadways and shall be provided within the one-hundred (100) foot setback, with the exception of the three (3) access easements centered on the above mentioned access roadway, and except as outlined in the associated conditions.

Said property located on the west side of State Road No. 7, approximately 1 mile south of Clint Moore Road in an RE-Residential Estate District was approved as amended subject to the following conditions:

1. Prior to approval of the first plat the Developer shall convey to Palm Beach County two hundred (200) feet for the ultimate right-of-way for State Road No. 7.

2. Prior to approval of the first plat the Developer shall convey to Palm Beach County one hundred six (106) feet for the ultimate right-of-way for Cain Boulevard.

3. Developer shall align the centerline of the main entrance road with the centerline of Kimberly Boulevard as shown on the Plat of Kimberly Homes, Section One, Plat Book 29, Page 229.

4. Developer shall align North Shopping Center entrance with the north entrance to American Homes, east of State Road No. 7.

5. Developer shall provide the following roadway improvements at the Development's south entrance and State Road No. 7.

- a) left turn lane, south approach.
- b) right turn lane, north approach.
- c) through right turn and left turn lanes, west approach.
- d) traffic control signal when warranted, as determined by the County Engineer.

6. Developer shall provide the following roadway improvements at the development's north (New England Boulevard) entrance and State Road No. 7.

- a) left turn lane, south approach.
- b) right turn lane, north approach.
- c) traffic control signal when warranted as determined by the County Engineer.

7. Developer shall provide access to the 94.5 acres for future County Park located in the northwest corner of the project.

8. The shopping center shall be limited to one hundred twenty thousand (120,000) square feet and provide one hundred (100) foot setback from the ultimate right-of-way line of State Road No. 7.

9. A fifty (50) foot landscaped buffer zone, shall be provided

within the one hundred (100) foot setback. Furthermore, vehicular access to the commercial tract shall be limited to the New England Boulevard access and one additional access to U.S. 441 (S.R. 7). The additional access to U.S. 441 shall be subject to the following requirements:

- a) a left turn lane south approach,
- b) a right turn lane north approach,
- c) signalization, when warranted by the County Engineer.

10. The buffer zone shall be platted with the first plat.

11. Maximum allowable density shall not exceed one thousand fifty seven (1057) units.

12. Within sixty (60) days of the Special Exception approval the Developer shall dedicate the "County Park" shown on the Master Plan which contains two hundred eighty (280) acres more or less.

13. The Kimberly Boulevard access to the commercial tract shall be restricted to pedestrian and bicycle traffic. The petitioner shall construct a sidewalk and bicycle path from Cain Boulevard to this pedestrian/bicycle access point.

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

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

The foregoing resolution was declared duly passed and adopted this ~~MAY 07~~ **MAY 7 1985** confirming action of the 24th January 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia Weaver
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

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Gandy Sprague
County Attorney