

RESOLUTION NO. R-86-1365

RESOLUTION APPROVING ZONING PETITION **86-43**, 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. **86-43** was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the **22 May 1986**; 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 **22 May 1986**, that petition of THEODORE BABBITT, TRUSTEE By Pual Thomson, Agent, **for** the REZONING, FROM RH-RESIDENTIAL MULTIPLE FAMILY DISTRICT (HIGH DENSITY), INPART, AND CG-GENERAL COMMERCIAL DISTRICT, INPART, TO CG-GENERAL COMMERCIAL DISTRICT on a parcel of land lying in the Southwest **1/4** of Section **3**, Township **41** South, Range **42** East, being more particularly described as follows:

That part of the East **420.00** feet of the Northeast **1/4** of the Northwest **1/4** of the Southwest **1/4** of said Section **3** lying Northerly of a line **400.00** feet South of (as measured at right angles to) the South Right-of-way line of State Road 706, said South Right-of-way line being **70.00** feet South of the centerline

of State Road 706 as shown on Department of Transportation Drawing Sheet 2 of 5, Section No. (9375-110) 9362 and Southerly of said South Right-of-way.

Together with that part of the West 160.00 feet of the West 1/2 of the West 1/4 of the East 1/2 of the Southwest 1/4 of said Section 3 lying Northerly of a line 400.00 feet South of (as measured at right angles to) the South Right-of-way line of State Road 706, said South Right-of-way line being 70.00 feet South of the centerline of State Road 706 as shown on Department of Transportation Drawing Sheet 2 of 5, Section No. (9375-110) 9362 and Southerly of said South Right-of-way.

Also together with the East 1/2 of the West 1/4 of East 1/2 of the Southwest 1/4 of said Section 3, lying Northerly of a line 400.00 feet South of (as measured at right angles to) the South Right-of-way line of State Road 706, said Right-of-way line being 70.00 feet South of the centerline of State Road 706 as shown on Department Transportation Drawing Sheet 2 of 5, Section No. (9375-110) 9362 and Southerly of said South Right-of-way line.

Also together with that part of the West 1/2 of the West 1/4 of the East 1/2 of the Southwest 1/4 of said Section 3, lying South of the South Right-of-way line of State Road No. 706, said South Right-of-way line being 70.00 feet South of the centerline of State Road 706 as shown on Department of Transportation Drawing Sheet 2 of 5, Section No. (9375-110) 9362 and North of a line 400.00 feet South of (as measured at right angles to) said South Right-of-way line. Less however the West 160.00 feet thereof.

Together with that part of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 (Less the North 298 feet of the East 148 feet thereof and Less the North 552.5 feet of the West 165 feet of the East 330 feet thereof and Less the West 105 feet of the East 435 feet of the North 105 feet thereof and Less the West 100 feet of the East 430 feet of the South 315 feet of the North 420 feet thereof) of said Section 3, lying within 141 feet South of the centerline of construction for State Road 706, as recorded in Official Record Book 4051, Page 0426, lying North of a 50.00 feet

road Right-of-way, as recorded in Official Record Book 3594, Page 593, and lying West of the 10 foot additional Right-of-way and the cul-de-sac Right-of-way as recorded in Official Record Book 3594, Page 593 and 3618, Page 0809 respectively.

NOTE:

Bearing Base: The East-West 1/4 section line of Section 3, Township 41 South, Range 42 East is taken to be North 89 degrees 24'50" West and all other bearings are relative thereto.

Said property located on the south side of Indiantown Road (S. R. 706), approximately .2 mile west of Central Boulevard was approved as advertised.

Commissioner Adams, 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:

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

The foregoing resolution was declared duly passed and adopted this 9th day of September, 1986 confirming action of the 22 May 1906.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Kelly  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

[Signature]  
County Attorney

Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$90,048.00 (1,120 trips X 880.40 per trip).

12. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$22,512.00 toward Palm Beach County's existing Roadway Improvement Program. Any remaining funds after receiving credit for the Sims Road construction as outlined in the Conditions below shall be paid within 27 months of Special Exception approval. If the Fair Share contribution for road improvements is amended to increase the Fair Share this additional amount of \$22,512.00 shall be credited toward the increased Fair Share fee.

13. The petitioner shall revise the existing survey of the subject property to reflect the existing right-of-way for the Lake Worth Drainage District Lateral Canal No. 33. Information provided by the Lake Worth Drainage District indicates that the deed is recorded in Deed Book 113, Page 169, and shows the south 13 feet of the subject property as canal right-of-way. It is the intent that this discrepancy be cleared prior to action being taken by the Planning Commission.

14. The property owner shall provide construction plans for Sims Road as a 2-lane section (expandable to 5 lanes) from the northern paved terminus of Sims Road north of Delray West Road, north to the north right-of-way of the Lake Worth Drainage District L-32 Canal. These construction plans shall be per the County Engineer's approval based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed within six (6) months of Special Exception Approval. Plan costs shall be approved by the County Engineer.

15. The property owner shall provide Palm Beach County with all associated right-of-way documents including but not limited to surveys, property owner's maps, legal description: for acquisition and parcelled right-of-way maps required for the acquisition of Sims Road as an ultimate 80 foot section from the existing paved terminus north of West Atlantic Avenue, north to the project's entrance road plus the appropriate tapers. This right-of-way shall be obtained within 16 months of Special Exception approval or prior to the issuance of a Building Permit whichever shall first occur. This property owner shall enter into a written agreement with the Land Acquisition Section within 30 days of Special Exception approval for which this property owner shall fund all costs.

16. The property owner shall construct Sims Road from the present northern paved terminus north of Delray West Road north to a point 300 feet north of the project's entrance road. This construction shall be a minimum of 2-12 foot travel lanes as outlined in the condition above. This construction shall be completed within 06 months of Special Exception approval or prior to issuance of a Building Permit whichever shall first occur.

17. The property owner shall install signalization if warranted as determined by the County Engineer at the intersection of West Atlantic Avenue and Sims Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

18. Surety acceptable to the County Engineer and County Attorney shall be posted within 3 months of zoning approval for Condition Nos. 14, 15, and 16.

19. The project shall be limited to 4.9 dwelling units per acre.

Commissioner Owens, moved for approval of the petition. The motion was seconded by Commissioner Marcus,

and upon being put to a vote, the vote was as follows:

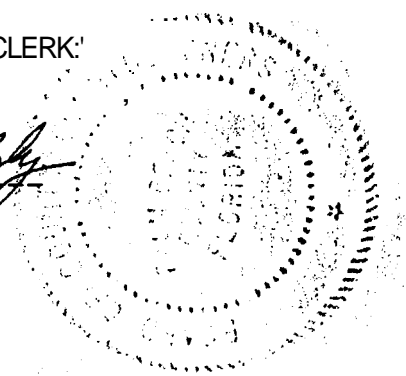
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE,
Kenneth Spillias, Member	--	ABSENT
Dorothy Wilken, Member	--	NAY
Kenneth M. Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 9th day of September, confirming action of the 22 May 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK:

BY: Barbara O. Cole  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Paul J. Spagnoli  
County Attorney