

RESOLUTION NO R-96- 387

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO CR 89-63A/E6a
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO R-91-1073
WHICH APPROVED THE SPECIAL EXCEPTION OF
THE ENGLE GROUP INC
PETITION NO 89-63(A)

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 systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan

WHEREAS the notice and hearing requirements as provided for in Section 5 8 of the Palm Beach County Land Development Code have been satisfied and

WHEREAS pursuant to Section 5 8 Status Report CR 89-63A/E6a was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on March 28 1996 and

WHEREAS the Board of County Commissioners has reviewed Status Report CR 89-63A/E6a and considered testimony and the recommendations of the various county review agencies and

WHEREAS Section 5 8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval and

WHEREAS the Board of County Commissioners made the following findings of fact

- 1 This proposal is consistent with the Palm Beach County Comprehensive Plan and Unified Land Development Code
- 2 The property owner had the original obligation to construct Lyon's Road adjacent to the site
- 3 Palm Beach County will be reconstructing Lantana Road adjacent to the site in fiscal year 1998-99
- 4 The construction Lyons Road is adjacent to Lantana Road and can be included in the Palm Beach County contract
- 5 It is cost effective to construct both roads under one contract
- 6 The property owner has agreed to this amendment of conditions of approval

WHEREAS Section 5 3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No CR 89-63A/E6a, to amend Conditions of Approval of Resolution No R-91-1073, the Special Exception of The Engle Group, Inc, Petition No 89-63(A); which amended the site plan for a previously approved Planned Commercial Development to include a day care center (max 100 children) and to increase the building square footage and for a modification of commission requirements, beginning at the southwesterly corner of

Rosemount Drive Lakes of Sherbrooke Phase 6 Plat Book 44 Pages 117 through 119 as in Section 35 32 Township 44 South Range 42 East inclusive thence North 45 57'48" East along the westerly right-of-way of said Rosemount Drive a distance of 35 99 feet thence North 00 00'00" East, continuing along the westerly right-of-way line of said Rosemount Drive a distance of 212 43 feet to the point of curvature of a curve to the left having a radius of 300 00 feet thence northerly along said curve continuing along the westerly right-of-way line of said Rosemount Drive through a central angle of 31 05'30" a distance of 162 80 feet to the northwest corner of said Rosemount Drive and the southwest corner of Aquarius Boulevard Lakes of Sherbrooke Phase 9 Plat Book 65 Page 146 through 150 inclusive thence continue northerly and northwesterly along said curve, and along the boundary of said Lakes of Sherbrooke Phase 9 through a central angle of 41 02'51" a distance of 214 92 feet to the point of reverse curvature of a curve, concave northeasterly having a radius of 468 57 feet thence northwesterly along said curve continuing along the boundary of said Lakes of Sherbrooke Phase 9 through a central angle of 44 24'07" a distance of 363 12 feet to the end of said curve thence north 68 57 12" West a distance of 32 95 feet thence south 69 49'49" West a distance of 33 71 feet to the point of curvature of a curve to the right having a radius of 266 00 feet thence westerly along said curve through a central angle of 19 32'05" a distance of 90 69 feet to the point of tangency thence South 89 21'55" West a distance of 25 00 feet; thence south 44 21'55" West, a distance of 35 36 feet to the intersection thereof with the easterly right-of-way line of Lyons Road Official Records Book 6474 Page 1570 Et Seq thence South 01 38'24" East, along said easterly right-of-way line of Lyons Road a distance of 228 01 feet thence South 00 38'05" East continuing along said easterly right-of-way line, a distance of 409 99 feet thence South 44 17'45" East continuing along said easterly right-of-way line a distance 55 23 feet to the intersection thereof with the northerly right-of-way line of Lantana Road (S R 812), Official Records Book 6452, Page 1590 thence South 87 57'25" East, along said northerly right-of-way line and along a line 71 50 feet north of, as measured at right angles to the south line of said Section 31 a distance of 2 81 feet thence South 88 04'24" East continuing along said northerly right-of-way line and along a line 71 50 feet north of as measured at right angles to the south line of said Section 32 a distance of 355 27 feet thence, South 85 24 28" East continuing along said northerly right-of-way line a distance of 247 29 feet to the POINT OF BEGINNING being located on the northeast corner of the intersection of Lantana Road and Lyons Road bound on the east by Rosemount Drive in the CG-General Commercial Zoning District is approved subject to the following conditions

- 1 All previously approved conditions of approval continue to apply unless expressly modified herein (ONGOING MONITORING)
- 2 Condition E 6 of Resolution R-91-1073 which currently states

The property owner shall construct Lyons Road from Lantana Road North to a point 150 feet north of the project's entrance road onto Lyons Road as a 4 lane median divided section This construction shall commence prior to January 1, 1993 and be completed prior to June 1, 1993 or prior to a Certificate of Occupancy for any structure other than the day care center or concurrent with the 4 laning of Lantana Road whichever of the three shall first occur All canal crossings within the project limits shall be constructed to their ultimate configuration

Is hereby amended to state

- a The property owner shall fund the construction plans to Palm Beach County for the four-laning of Lyons Road from Lantana Road north to a point 150 feet north of the projects entrance road onto Lyons Road, subject to approval by the County Engineer Funding for these construction plans shall be completed prior to July 1 1996 in the amount approved by the County Engineer (DATE MONITORING - Eng)
- b The property owners shall fund the cost of the construction for the four laning of Lyons Road from Lantana Road, north to a point 150 feet north of the projects entrance road onto Lyons Road Funding for this construction shall be completed prior to October 1 1998 in the amount approved by the County Engineer (DATE MONITORING - Eng)
- c If building permits for the shopping center are requested prior to the four laning of Lyons Road the property owner shall be required to construct turn lanes onto Lyons Road subject to the approval of the County Engineer (BLDG PERMIT MONITORING - Eng)

Commissioner Roberts moved for approval of the Resolution

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

KEN FOSTER CHAIR	—	Absent
BURT AARONSON	—	Aye
MAUDE FORD LEE	—	Aye
KAREN T MARCUS	—	Absent
MARY MCCARTY	—	Aye
WARREN H NEWELL	—	Aye
CAROL ROBERTS	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 28 day of March 1996

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY

[Handwritten Signature]

DOROTHY H WILKEN, CLERK

BY

[Handwritten Signature]
DEPUTY CLERK

