

RESOLUTION NO. R-79-1087

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. 79-100 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26 July 1979.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 26th day of July, 1979, that petition No. 79-100 the petition of HIGH POINT OF DELRAY BUILDERS, INC., by J. Kenneth Tate, Vice President, to MODIFY, DELETE AND/OR ADD THE FOLLOWING SPECIAL CONDITIONS PLACED ON ZONING PETITION NO. 74-66 FOR THOMAS MACCARI (HIGH POINT OF DELRAY WEST PLANNED UNIT DEVELOPMENT, f/k/a PHEASANT RUN PLANNED UNIT DEVELOPMENT) APPROVED MAY 23, 1974:

Condition No. 3 states: Construct at intersection of Military Trail and this development's north entrance:
a) left turn lane on the south approach
b) signalization installed by the developer;

Request to DELETE: 3b) signalization installed by the developer;

Condition No. 5 states: Construct at the intersection of Sims Road and Delray West Road:
a) left turn lane on the west approach—improve storage length, if warranted
b) signalization installed by the developer

Request to DELETE: 5b) signalization installed by the developer;

Condition No. 6 states: Construct at the intersection of Military Trail and Delray West Road:

- a) left turn lane on the north approach
- b) right turn lane on the east approach;

Request to DELETE: 6b) right turn lane on the east approach;

Condition No. 7 states: Construct Military Trail:

- a) To a paved four-lane facility from Delray West Road through the south development's entrance road intersection
- b) Widen the section from the south entrance to the north property line from a twenty (20) to twenty-four (24) foot pavement width;

Request: Modify Condition No. 7 to read:

- a) Reconstruct Military Trail to a paved four-lane facility from Delray West Road including proper approach lanes and transition lanes on the south side of Delray West Road through the south development's entrance road intersection including the canal crossing at L.W.D.D. Canal L-33.
- b) The reconstruction of Military Trail shall be deemed to fulfill the developer's responsibilities under the proposed "Fair Share for Road Improvements Ordinance" when adopted.

Condition No. 8 states: Construct Sims Road into a paved two-lane facility from Delray West Road to the development's north entrance, using County Typical for an eighty (80) foot Collector;

Request: Modify Condition No. 8 to read: Construct Sims Road into a paved two-lane facility from Delray West Road to the development's south entrance, using a typical cross section approved by the County Engineer.

Request to ADD THE FOLLOWING CONDITIONS:

11) Dedicate to Palm Beach County one hundred eight (108) feet of right-of-way for Sims Road extension, the alignment of which shall be approved by the County Engineer.

12) Convey to the Lake Worth Drainage District in a manner acceptable to the District the necessary right-of-way for the relocation of Canal L-32.

13) Relocate L.W.D.D. Canal L-32 to accommodate the alignment of Sims Road extension.,

was approved as amended per the petitioner's request subject to the following modifications:

Condition No. 7(B) was modified as follows:

- (b) The reconstruction of Military Trail shall be deemed to fulfill the developer's responsibilities under the "Fair Share for Road Improvements Ordinance" as adopted.

Condition No. 11 was modified as follows:

11) Dedicate to Palm Beach County one hundred eight (108) feet of right-of-way for Sims Road extension, the alignment of which shall be approved by the County Engineer. Developer shall have the right to substitute four-plexes for single-family residences provided that in no event shall such substitution result in this planned unit development containing more dwelling units than the planned unit development is approved to have. The Site Plan Review Committee shall have the authority to approve revisions to the site plan with respect to the substitution of four-plexes for single-family residences as well as the changes related to accommodating the just mentioned 108-foot right-of-way and the changes relating to accommodating Special Conditions #12 and #13 as hereinafter set forth pertaining to the relocation of Lake Worth Drainage District Canal L-32.

Condition No. 12 was modified as follows:

12) Convey to the Lake Worth Drainage District in a manner acceptable to the District the necessary right-of-way for the relocation of Canal L-32 and also convey all required right-of-way for Lateral Canal No. 33 and Equalizing Canal No. 3.

Commissioner Gregory, moved for approval of the petition.

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

Bill Bailey, Chairman	-	Yes
Dennis Koehler, Vice Chairman	-	Yes
Peggy Evatt, Member	-	Absent
Frank Foster, Member	-	Absent
Norman Gregory, Member	-	Yes

The foregoing resolution was declared duly passed and adopted this 21st day of August, 1979, confirming action of 26 July 1979.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Keith Alan Otter*
 Deputy Clerk

APPROVE AS TO FORM AND LEGAL SUFFICIENCY

Charles F. ...
 County Attorney

