

RESOLUTION No. R-83-806

RESOLUTION APPROVING ZONING PETITION 83-54, Special Exception

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. 83-54 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28th April 1983; 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 proposed special exception is consistent with the provisions and requirements of the Comprehensive Plan and Zoning Code.
2. The proposed development is compatible with the development of adjacent properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day of April, 1983, that Petition No. 83-54 the petition of TRACANA, INC. AND PALM BEACH COUNTY By William R. Boose, Attorney, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT, INCORPORATING THE PROPERTIES KNOWN AS BOCA RIO NORTH PLANNED UNIT DEVELOPMENT APPROVED UNDER ZONING PETITION NO. 81-71, AND BOCA RIO SOUTH PLANNED UNIT DEVELOPMENT APPROVED UNDER ZONING PETITION NO. 81-72, INCLUDING THE FOLLOWING DESCRIBED 10 ACRES on a parcel of land lying in the Northeast 1/4 of Section 32, Township 47 South, Range 42 East, being more particularly described as follows: The West 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 32, Township 47 South, Range 42 East, together

with the East 1/2 of the Northeast 1/4 of said Section 32. Excepting therefrom the right-of-way for the Sunshine State Parkway (300 foot right-of-way), including a parcel of land situate, 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  $89^{\circ}56'43''$ , 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  $89^{\circ}13'56''$  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  $92^{\circ}15'16''$  with last described course, a distance of 1941.18 feet; thence Easterly along a line which forms an included angle of  $92^{\circ}15'16''$  with last described course, a distance of 1941.18 feet; thence Easterly along a line which forms an included angle of  $88^{\circ}23'10''$  with last described course, a distance of 2280.41 feet to the Point of Beginning. Less the South 3.30 feet thereof for right-of-way for the Hillsboro Canal; together with:

a parcel of land lying in the Northeast 1/4 of Section 32, Township 47 South, Range 42 East, being more particularly described as follows: The West 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 32, Township 47 South, Range 42 East, together with the East 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 32. Excepting therefrom the right-of-way for the Sunshine State Parkway (300 foot right-of-way); together with: a parcel of land lying in the South 1/2 of Section 29, Township 47 South, Range 42 East, said parcel being described as Tract 72, Block 80, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45-54 together with; a parcel of land lying in the South 1/2 of Section 29 and the North 1/2 of Section 32, Township 47 South, Range 42 East, said parcel being described as Tract 91, Block 80, Palm Beach Farms

Company Plat No. 3 as recorded in Plat Book 2, Pages 45-54 together with; a parcel of land lying in the South 1/2 of Section 29, Township 47 South, Range 42 East, said parcel being described as that portion of Tracts 73 through 82, inclusive: and Tract 92, Block 80 Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45-54, lying West of the West right-of-way line of Boca Rio Road. Together with the abutting 30. foot road right-of-way shown on said plat. Said property located on the northwest. corner of the intersection of Florida's State Turnpike and the Hillsboro Canal, was approved as advertised subject to the following conditions:

1. The property owner shall convey to the Lake Worth Drainage District either by Easement or Quit Claim Deed:
  - a) Right-of-way for Lateral Canal No. 50 as shown on the Lake Worth Drainage District Right-of-Way Maps, Sheet 155 and 240 as recorded in the office of the Clerk of the Circuit Court.
  - b) 30 feet of additional right-of-way for equalizing Canal No. 82-W for maintenance purposes from the southern terminus of Boca Rio Road, south to the Hillsboro Canal.
2. The development must retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.
3. The developer will take necessary precautions to insure that pollutants from this project will not run-off into adjacent or nearby surface waters.
4. 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.
5. The property owner shall convey to Palm Beach County within ninety (90) days of approval:
  - a) A minimum of 40 feet south of the project's north property line for the ultimate right-of-way line for S.W. 8th St.
  - b) 80 feet for the right-of-way for Boca Rio Road from the project's northerly limits south to S.W. 18th Street,
  - c) 120 feet for the ultimate right-of-way for S.W. 18th Street through the project's limits.
  - d) The additional right-of-way for the proposed S.W. 18th Street Turnpike overpass, per the County Engineer's approval,
6. The developer shall substantially complete, per the County Engineer's approval, the following construction, prior to issuance of the twenty-fifth (25th) building permit for the first (1st) plat within the overall project; however, in no event later than twelve (12) months of Special Exception approval or prior to the issuance of any Certificates of Occupancy.

- a) Reconstruction of Boca Rio Road from Boca Lago Boulevard south to the existing terminus of the present pavement.
  - b) Construction of Boca Rio Road from the existing paved southern terminus south to S.W. 18th Street.
  - c) In the event of the occurrence of third party participation in the construction of Boca Rio Road, monies saved, per a certified cost estimate by the developer shall be added to the Palmetto Park Road construction program set for in Condition No. 9 below.
  - d) The developer shall construct a left turn lane, south approach, at the intersection of Glades Road and Boca Rio Road, concurrent with reconstruction of Boca Rio Road.
7. The developer shall construct concurrent with the first contiguous plat in the south 95 acres, per the County Engineer's approval, the following:
- a) S.W. 18th Street, as a 2 lane section, from the project's west property line east to Boca Rio Road.
  - b) At the intersection of S.W. 18th Street and the project's entrance roads:
    1. Left turn lane, east approach
    - 2. Left turn lane, west approach
    3. Left turn lane, north approach
    4. Left turn lane, south approach
    5. Signalization when warranted, determined by the County Engineer, however, in no event later than 5 years after the issuance of the last certificate of occupancy.
8. The developer shall construct concurrent with the first contiguous plat in the north 105 acres, per the County Engineer's approval, the following:
- a) At the intersection of Boca Rio Road and the project's entrance roads:
    1. Right turn lane, north approach
    2. Left turn lane, south approach
    3. Right turn lane, west approach
  - b) S.W. 8th Street as a 2 lane section from the project's west property line east to Boca Rio Road.
  - c) At the intersection of S.W. 8th Street and Boca Rio Road, a right turn lane, north approach.
  - d) At the intersection of S.W. 8th Street and the project's entrance roads:
    1. Left turn lane, south approach
    2. Left turn lane, east approach
9. The developer 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. ,
10. The developer shall provide access by crossing over Lake Worth Drainage District Lateral Canal No. 48 from the Palmetto Park Road to the proposed Palm Beach County park site on the south side of Palmetto Park Road.
11. The developer shall provide surety for construction of Palmetto Park Road referred to in Condition No. 9 above at the time of initiation of construction of improvements for the proposed Palm Beach County park site, south of Palmetto Park Road, whichever occurs first.

12. The developer 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.
13. In the event of the County's decision not to develop 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 the Board of County Commissioners Areawide Road Improvement Plan for the area within which the subject project is located.
14. To the extent the following is not completed by third parties having initial responsibility for same, prior to issuance of the Two Hundred and First (201st), Building Permit in the North 105 acres, however, in no event later than 36 months after Special Exception approval, the developer shall:
  - a) Construct S.W. 8th Street as a two lane section from Lyons Road on the west to Boca Rio Road on the east.'  
-This roadway shall be completed to provide for paved access continuity for S.W. 8th Street from Lyons Road to Boca Rio Road, per the County Engineer's approval.
  - b) Construct an eight foot bike path along S.W. 8th Street from the project's west property line to Lyon's Road.
15. To the extent the following is not completed by third parties having initial responsibility for same, prior to issuance of the Two Hundred and First (201st) Building Permit in the South 95 acres, however, in no event later than 24 months after Special Exception approval, the developer shall:
  - a) Construct S.W. 18th Street as a two. lane section from Lyons Road on the west to Boca Rio Road on the east. This roadway shall be completed to provide for paved access continuity for S.W. 18th Street from Lyons Road to Boca Rio Road, per the County Engineer's approval.
  - b) Construct an eight foot bike path along S.W. 18th Street from the project's west property line to Lyons Road.
16. The developer shall prepare engineering design plans and specifications for all required improvements in accord with Palm Beach County Standards and State of Florida Department of Transportation Standards as applicable. All plans and specifications shall be subject to the County Engineer's approval.
17. The developer shall enter into an amended agreement with Palm Beach County to guarantee proposed roadway improvements, within ninety (90) days of the effective date of Special Exception approval.

Commissioner **Spillias** , 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:

Peggy E. Evatt, Chairman	- AYE'
Ken Spillias, Vice Chairman	- AYE
Dennis P. Koehler, Member	- AYE
Dorothy Wilken, Member	- ABSENT
Bill Bailey, Member	- AYE

The foregoing resolution was declared duly passed and adopted this **19th** day of July , **1983** , confirming action of 28th April 1983.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Lisa Cropp*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*John Cottrell*  
County Attorney