

RESOLUTION NO. R- 83-1094

RESOLUTION APPROVING ZONING PETITION 78-221(B), 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. 78-221(B) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28th July 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 amendment to this previously approved PUD and the proposed commercial rezoning are consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. The proposed changes can be accommodated to this site in a manner compatible with the development of abutting properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day July 1983, that Petition No. 78-221(B) the petition of ENGLE LYON, INC., A FLORIDA CORPORATION by Raymond Liberti, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR BOCA BEAU BORDO PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 78-221 BY DELETING A 1.617 ACRES PARCEL OF LAND on a parcel of land lying in Tracts 99 and 100, Block 77, Palm Beach Paras Company, Plat No. 3, in Section 18, Township 47 South, Range 42 East, as Recorded in Plat Book 2, Pages 45 through 54, inclusive, said parcel being more particularly described as follows:

Commencing at a found railroad spike marking the intersection of the

centerline of State Road 808, also known as Glades Road, and the East line of said Block 77; thence bear South 89°59'07" West, along said centerline of State Road 808, a distance of 973.87 feet; thence South 00° 00'17" East, a distance of 80.00 feet to a point in the Southerly right-of-way line of said State Road 808 for a Point of Beginning; Thence continue South 00°00'17" East, a distance of 250.00 feet; thence, South 89° 59'00" West, a distance of 75.22 feet to the beginning of a non-tangent curve, concave to the Southwesterly, having a radius of 75.00 feet, and whose radius point bears North 70°32'44" West; thence Northwesterly, along said curve, through central angle of 149°08'47", a distance of 195.23 feet to the end of said curve; thence, South 89° 59'07" West, along a line prallel with said centerline of State Road 808 and non-tangent to the aforesaid 75 foot radius curve, a distance of 177.12 feet to a point in the West line of said Tract 100; thence North 00° 01'00" West, along said West line, a distance of 167.28 feet to said Southerly right-of-way line of State Road 808; thence North 89° 59'07" " East, along said right-of-way line, a distance of 370.98 feet to the Point of Beginning. Said property located on the south side of Glades Road (S.R.808), approximately .2 mile west of Lyons Road was approved as advertised subject to the following conditions:

1. The developer shall construct a left turn lane, south approach, on Lyons Road at the development's entrance concurrent with onsite paving and drainage improvements.
2. The developer shall construct a right and left turn lane, west approach, at the development's entrance concurrent with onsite paving and drainage improvements.
3. The developer shall redesign the common entrance road with the Boca Beau Monde Plaza to meet the minimum requirements of the County Engineer.
4. The developer shall contribute \$200/multi-family and \$300/single family toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the first building permit.
5. The maximum density of the subject development shall not exceed 4.24 dwelling units per acre.
6. Petitioner shall landscape the perimeter buffer surrounding the subject development in a manner equivalent to Exhibit No. 14, on file in the office of the Director, Department of Planning, Zoning and Building. This landscaping shall also include a berm or combination of wall and berm six feet in height along the boundary of the parcel being deleted by this approval.
7. This development shall retain on-site the first one-inch of stormwater from the three (3) year per the requirements of the County's Subdivision and Platting

Ordinance.

8. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring and nearby surface waters.
9. Within ninety (90) days of the Special Exception approval, the developer shall convey to Palm Beach County eighty (80) feet from the centerline of Glades Road for the ultimate right-of-way.
10. This parcel shall not be permitted direct access to Glades Road. Access shall be from the adjacent Boca Beau Monde Plaza per the requirements of the County Engineer.
11. Petitioner shall contribute Twenty-Eight Thousand Two Hundred Dollars (\$28,200.00) toward the cost of meeting this project's direct and identifiable traffic impact. This money shall be in the form of a clean, irrevocable letter of credit to Palm Beach County within 180 days of this approval and may be called upon within six months of this approval but no later than the time of issuance of the first building permit.
12. This development shall retain on-site 85% of the storm water generated by the three-year storm per the requirements of the Permit Section, Land Development Division.
13. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) do not become a nuisance to neighboring properties.
14. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
15. The existing berm along the western property boundary shall be preserved. In addition, the developer shall install one tree, per 20 lineal foot, along the Southern boundary of this property in addition to all required landscaping.

Commissioner Wilken , 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	--	AYE
Bill Bailey, Member	--	AYE

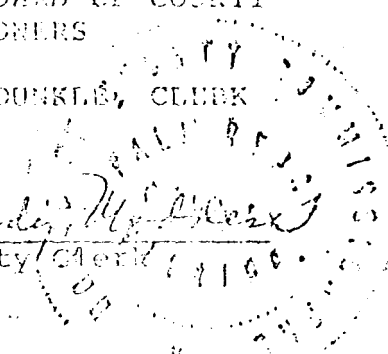
The foregoing resolution was declared duly passed and adopted this day of SEP 13 1983 , confirming action of 28th July 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

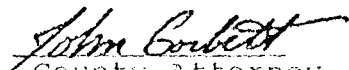
JOHN B. DUNKLE, CLERK

BY:

Judith M. Alessi
Deputy Clerk



APPROVE AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney