

RESOLUTION NO. R-89-947

RESOLUTION APPROVING ZONING PETITION NO. 83-121(A)  
SPECIAL EXCEPTION AND MODIFICATION  
OF COMMISSION REQUIREMENTS  
PETITION OF HOUSTON ENTERPRISES

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. 83-121(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 26, 1988; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. the petition of HOUSTON ENTERPRISES, by Donald A. Lang, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR THE LAKES AT BOCA RATON PLANNED UNIT DEVELOPMENT TO: 1] RELOCATE THE COMMERCIAL POD; 2] INCREASE THE LAND AREA OF THE COMMERCIAL POD BY .5 ACRE; 3] INCREASE THE COMMERCIAL BUILDING SQUARE FOOTAGE; 4] INCLUDE A CHILD DAY CARE CENTER; AND 5] REDESIGN THE SITE BY COMBINING PHASES 4 AND 5 AND TRANSFERRING UNITS IN PHASE 4, TOGETHER WITH A MODIFICATION OF COMMISSION REQUIREMENTS, on Tracts 33 through 48; 54; 55; and 57 through 63 of Section 1, Township 47 South, Range 41 East, according to the Plat thereof recorded in Plat Book 1, Page 102 and the Southeast 1/4 of Section 2, Township 47 South, Range 41 East, less the West 165 feet of the East 335 feet thereof, located on the west side of State Road 7 (U.S. 441), bounded on the north by 185th Street South and on the south by 190th Street South, in a RTS-Residential Transitional Suburban Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition No. 1.a. of Zoning Petition No. 83-121 (Resolution No. R-84-66, adopted September 29, 1983) which currently states:

"1. The Master Plan shall be amended to reflect the following:

- a. deletion of the eastern seven (7) acres of the proposed commercial, designation of the remaining 1.5 acres of commercial for neighborhood serving commercial uses only, and limit commercial development to the 10,000 square feet of office and neighborhood commercial, providing a mixture of uses, providing services required by this development are developed. Those seven (7) acres will be developed as open space and an entrance feature for this **development.**"

Is hereby amended as follows:

"The northeastern seven (7) acre parcel shall be limited to:

- a. **A 2.0** acre commercial parcel with a total square footage of **20,070** building area. The commercial area shall be limited to neighborhood commercial office and retail uses which provide services to the residents of the Planned Unit Development only.
  - b. **A 1.5** acre day care parcel which shall be limited to 6,260 square feet of building area.
  - c. The remaining 3.5 acres of land shall be designated open space and developed as an entrance feature for the development."
3. Prior to certification, the master plan shall be amended to reflect the following:
    - a. The correct front setback **of 60** feet for the commercial structures.
    - b. Minimum tree planting requirements for the undeveloped parcels.
    - c. Access and parking aisles shall be **90** degrees angle and shall encourage smooth vehicular traffic flow.
  4. There shall be no signage for the commercial site

fronting on, or directed at non-residents using, State Road 7 or Yamato Road.

5. The day care facility shall be limited to a maximum of **135** children and ten **(10)** employees.
6. The hours of operation of the commercial and day care center shall be limited to **6:30** a.m. to **11:00** p.m.
7. The petitioner shall install an additional twenty-five foot landscape strip, to accommodate a three **(3)** foot high earth berm supplemented with hedge material to reach and be maintained at a minimum height of five **(5)** feet with ten **(10)** to twelve **(12)** foot canopy trees placed a minimum of thirty **(30)** feet on center along the eastern property line.
8. If required by the County Engineer, the developer shall convey adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of State Road **7**, Cain Boulevard, Yamato Road and University Parkway along the property frontage and for a maximum **400** ft. distance each side of the property boundary lines along State Road **7**, Cain Boulevard, Yamato Road and University Parkway. Said easements shall be no less than **20** feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Water Control District and South Florida Water Management District for the combined runoff from the project and District the ultimate Thoroughfare Plan of the included segment.
9. Condition **No. 13** of Zoning Petition **No. 83-121** (Resolution **No. R-84-66**), which presently states:

**"13.** The developer shall construct Cain Boulevard from the project's north property line south to the project's south property line at the time of the filing of the adjacent plats or when required by the County Engineer's approval for continuity for Cain Boulevard."

**Is** hereby amended to read as follows:

**"The** developer shall construct 2-lane Cain Boulevard from the project's north property line south **to** the project's south property line. **This** construction shall be completed prior to December **1, 1989**. One-hundred **(100)** percent approved and permitted construction plans shall be submitted to the office of the County Engineer prior to March **1, 1989**. Construction plans shall **be** in accordance with Palm Beach County's minimum construction plans as they presently exist or as they may from time to time be **amended**."

10. Condition No. 17 of Zoning Petition No. 83-121 (Resolution No. R-84-66) which presently states:

"17. The property owner shall reserve for dedication, at no expense to Palm Beach County, for a period of five years, the Civic Site. If after said five year period, the County has not requested dedication of all or any part of this site, the developer may develop any remaining portion for any civic purpose listed within the Planned Unit Development Section of the Zoning Code."

Is hereby amended to read as follows:

"The property owner shall dedicate to the Palm Beach County Parks Department the 8 1/2 acre "Municipal Site" prior to July 1, 1988."

11. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
13. All property included in the legal description of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for: Formation of a single "master" property owner's association, and automatic membership in the "master" association by any party holding title to any portion of the property included in the planned unit development.
14. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violation of the Palm Beach County Zoning Code.

Commissioner Watt moved for approval of the petition. The motion was seconded by Commissioner Wilken and, upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
James Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of May 26, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
DEPUTY CLERK

