

RESOLUTION NO. R- 84-1300

RESOLUTION APPROVING ZONING PETITION 84-81, 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. 84-81 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th of June 1984; 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 proposal is consistent with the requirements of the Zoning Code and Comprehensive Plan.
2. The proposed site plan will require variance relief from the requirements of the Subdivision Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 28th of June 1984, the petition of ALAN J. CIKLIN, AS TRUSTEE, for the SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on Tracts 51 to 60, Block 80, Palm Beach Farms Company Plat No. 3, in Section 29, Township 47 South, Range 42 East, as recorded in Plat Book 2, Pages 45 to 54, except that part of Tract 51, lying East of the West line of Sunshine State Parkway as described in Deed Book 1141, Page 194. Said property located on the west side of Boca Rio Road, approximately 0.5 mile south of Palmetto Park Road, being bounded on the north by Lake Worth Drainage District Lateral Canal No. 49 was approved as advertised subject to the following conditions:

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

2. Prior to Site Plan Certification, the Master Plan shall be amended to reflect the following:

- a) A maximum parking tract length of six hundred (600) feet unless variance relief is granted by the Subdivision Review Committee.

3. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

4. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

5. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County's Subdivision and Platting Ordinance 73-4, as amended.

6. The property owner shall convey for the ultimate right-of-way of:

- a) Boca Rio Road, 80 feet west of the west right-of-way line of the Florida Turnpike, approximately an additional 20 feet within ninety (90) days of approval.
- b) S.W. 8th Street, 40 feet from centerline within thirty (30) days of approval.

7. All conveyances must be accepted by Palm Beach County prior to issuance of the first building permit.

8. The developer shall construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the Office of the County Engineer:

- A) At the intersection of Boca Rio Road & S.W. 8th Street:
 - a. Left turn lane, south approach.
 - b. Right turn lane, north approach.
 - c. Right turn lane, west approach.
- B) At the intersection of S.W. 8th Street and the project's entrance road:
 - a. Left turn lane, west approach.
 - b. Right turn lane, east approach.
- C) On Boca Rio Road, its intersection with the project's entrance road:
 - a. Left turn lane, south approach.
 - b. Right turn lane, north approach.

9. If paved access along S.W. 8th Street is not available as a two-lane section from Boca Rio Road west to the project's west property line prior to the issuance of a Building Permit, then this developer shall construct S.W. 8th from Boca Rio Road, west to the project's west property line. This construction shall take place concurrent with onsite paving and drainage improvements with the first plat improvements.

10. The Developer shall contribute \$200.00 per approved dwelling unit toward the cost of meeting this project's direct and identifiable impact, and in addition, based upon the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$500.00 per Building Permit toward Palm Beach County's existing roadway Improvement Program. These total

funds shall be deposited with Palm Beach County within six (6) months of approval date by the Board of County Commissioners or prior to the issuance of a building permit, whichever shall first occur.

11. The petitioner has voluntarily agreed to provide \$250.00 per dwelling unit, total PUD dwelling unit count of 228 units, for a total of \$57,000.00 in the form of a clean irrevocable letter of credit in favor of the School Board of Palm Beach County, for school site acquisition and/or site related improvements. This letter of credit shall be provided in a form acceptable to the School Board within 90 days of the date of adoption of the rezoning and PUD special exception resolution for the subject project.

Commissioner Bailey, 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:

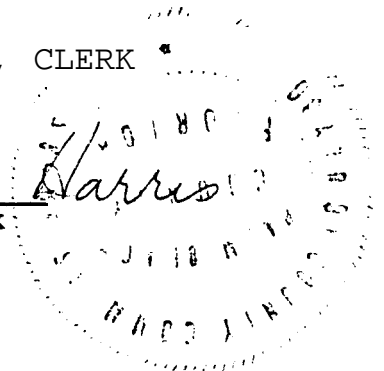
Ken Spillias, Chairman	--	ABSENT
Dorothy Wilkens, Vice Chairman	--	NAY
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this ^{11th} day of *September* 1984 confirming action of the 28th of June 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Darlene Harris*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney