

RESOLUTION NO. R-95-1008

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 92-56/E1
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-93-402
WHICH APPROVED THE SPECIAL EXCEPTION OF
KENCO COMMUNITIES AT LAKES OF BOCA, INC.
PETITION NO. 92-56

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 92-56/E1 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on July 27, 1995; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 92-56/E1 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; 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;
2. University Parkway through this Planned Unit Development has been removed from the Palm Beach County Thoroughfare Plan: and
3. Lake Worth Road is not adjacent to the project.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. CR 92-56/E1, to amend Conditions of Approval of Resolution No. R-93-402, the Special Exception of Kenco Communities at Lakes of Boca, Inc., Petition No. 92-56, which approved a rezoning from the RTS-Residential Transitional Zoning District to the Residential Planned Unit Development (Shores of Boca Raton PUD) Zoning District, on a parcel of land lying in a portion of Section 2, Township 47, Range 41 East, Palm Beach County, Florida and said land being more particularly described as follows.

All of the Southeast Quarter of aforesaid Section 2, LESS the East 170.00 feet thereof.

Containing 145.185 acres, more or less, and subject to easements and rights-of-way of record, being located approximately one mile

west of the intersection of Yamato Road and S.R. #7, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number E.1 of Resolution R-93-402 which currently states:

Prior to December 15, 1994 or prior to the recordation of the first plat, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

- a) Yamato Road, 120 feet in width plus sufficient right-of-way to provide for the road relocation through the FPL easement along the project's east right-of-way (a Maximum of 15 feet in length plus a taper length of 600 feet).
- b) Sufficient property for University Parkway to provide for a 240 foot right-of-way along an alignment approved by the County Engineer, in accordance with Alternative A.

Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

Is hereby amended to state:

Prior to December 15, 1994 or prior to the recordation of the first plat, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Yamato Road, 120 feet in width plus sufficient right-of-way to provide for the road relocation through the FPL easement along the project's east right-of-way (a Maximum of 15 feet in length plus a taper length of 600 feet).

Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (MONITORING/ENGINEERING - Engineering)

3. Condition number E.4. of Resolution R-93-402 which currently states:

Petitioner shall include in homeowners documents as well as all written sales brochures, sales contracts, Master Plans and related Site Plans, a disclosure statement identifying all planned roadways adjacent or through the petition property which are included in the County's Thoroughfare Plan or Five Year Road Program including the ultimate number of lanes of the Thoroughfare Plan Roads. Currently this includes Lake Worth Road along the project's north property line. The

Developer/Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Building and Zoning beginning January 1, 1994 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. The subject property shall be appropriately signed. Sign locations shall be shown on all approved master plans and site plans.

Is hereby amended to state:

Petitioner shall include in homeowners documents; as well as all written sales brochures, sales contracts, Master Plans and related Site Plans, a disclosure statement identifying all planned roadways adjacent or through the petition property which are included in the County's Thoroughfare Plan or Five Year Road Program including the ultimate number of lanes of the Thoroughfare Plan Roads. Currently this includes Yamato Road adjacent to the project, and University Parkway south of the project. The Developer/Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Building and Zoning beginning January 1, 1994 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. The subject property shall be appropriately signed. Sign locations shall be shown on all approved master plans and site plans. (MONITORING)

Commissioner Marcus moved for approval of the Resolution.

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

KEN FOSTER, CHAIR	<u>Aye</u>
BURT AARONSON	<u>Aye</u>
MAUDE FORD LEE	<u>Absent</u>
KAREN T. MARCUS	<u>Aye</u>
MARY MCCARTY	<u>Aye</u>
WARREN H. NEWELL	<u>Aye</u>
CAROL ROBERTS	<u>Aye</u>

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of July, 1995.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: *Richard Altier*

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK
BY: *Jim M Blair*
DEPUTY CLERK

