

RESOLUTION APPROVING ZONING PETITION 83-121, 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. 83-121 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29th September 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 Planned Unit Development is consistent with the minimum requirements of the Comprehensive Plan and Zoning Code.
- 2 The proposed commercial area must be reduced in scale in order to reduce traffic impacts and to be consistent with the intent of the Zoning Code.
- 3 The proposed density and character of development are consistent with other developments in this area.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day September 1983, that Petition No. 83-121 the petition of PENFIELD INVESTORS, INC., By William R. Boose, III, Esquire, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on 33 through 48; 54; 55; and 57 through 63 of Section 1, Township 47 South, Range 41 East, as 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. Said property located on the west side of U.S. 441 (S.R. 7), being bounded on the north by 185th Street South and being bounded on the south by 190th Street South,

approximately 1.5 miles north of Glades Road (S.R. 808) was approved as advertised subject to the following conditions:

- 1 The Master Plan shall be amended to reflect the following:
 - a deletion of the eastern 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 7 acres will be developed as open space and an entrance feature for this development.
 - b realignment of the right-of-way for Yamato Road per the County Engineer's approval
 - c identification and preservation of areas of existing significant native vegetation
 - d designation of the required 25 foot perimeter buffer
- 2 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 properties.
- 3 The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
- 4 The developer shall acquire any necessary rights-of-way and shall construct any off-site canals necessary to accomplish connection to the Lake Worth Drainage District Canal System
- 5 This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended
- 6 The petitioner shall provide the construction plans for S.R. 7 as a 4-lane median divided section, compatible with the Department of Transportation typical section from South of Glades Road through Kimberly Boulevard to include the appropriate tapers, per the County Engineers' approval. These plans shall be completed within 6 months of Special Exception approval or prior to the issuance of a Certificate of Occupancy, whichever first occurs
- 7 The developer shall acquire 200 feet of right-of-way for S.R. 7 west of the west right-of-way line of Lake Worth Drainage District F-1 Canal, from south of Glades Road through Kimberly Boulevard including the appropriate tapers which will be required for the road construction for S.R. 7 as outlined in the previous Condition. This right-of-way shall be acquired within 12 months of Special Exception approval, or prior to the issuance of a Certificate of Occupancy, whichever first occurs. Palm Beach County will acquire this right-of-way at the developer's expense
- 8 The developer shall construct S.R. 7 as a 4-lane divided section from Glades Road through Kimberly Boulevard to include the appropriate tapers, per the County Engineers' approval. The construction shall include an asphalt overlay of the two existing lanes on S.R. 7, if required by the County Engineer. This construction shall be completed and accepted by Florida Department of Transportation prior to the issuance of 200 Certificates of Occupancy or within two (2) years of Special Exception approval, whichever first occurs

- 9 The developer shall construct at the project's entrance onto S R 7 concurrent with the filing of the first plat:
- a) Right Turn Lane, North approach
 - b) Left Turn Lane, South approach.
- 10 The developer shall install signalization at the intersection of S R 7 and the project's entrance when warranted as determined by the County Engineer, but shall be no later than five (5) years after the issuance of the final Certificate of Occupancy
- 11 The developer shall contribute Sixty Seven Thousand Eight Hundred and Fifty Seven Dollars (\$67,857 00) toward the cost of meeting this project's direct and identifiable impact
- The impact fee monies are to be used toward the construction program located within the project area. The money shall be in the form of a clean, irrevocable letter of credit to Palm Beach County within ninety (90) days of Special Exception approval, and may be called upon at any time thereafter
- 12 The property owner shall convey the ultimate right-of-way for Cain Boulevard necessary to provide for an eighty (80) foot ultimate section. This right of way alignment shall be per the County Engineer's approval, within 180 days of Special Exception approval
- 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
- 14 The property owner shall reserve 192 feet along the project's west property line for the ultimate right-of-way for University Parkway. This alignment shall be per the County Engineer's approval at the time of the platting of the adjacent parcels to accommodate the future interchange
- 15 The property owner shall convey for the ultimate right-of-way of State Road 7, 240 feet west of the west right-of-way line of the Lake Worth Drainage District E-1 Canal, within ninety (90) days of approval; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit
- 16 The property owner shall convey the ultimate right-of-way for Yamato Road necessary to provide for a 120 foot ultimate section. This right-of-way alignment shall be per the County Engineer's approval within 180 days of Special Exception approval; conveyance must be accepted by the County prior to the issuance of the first building permit
- 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 P U D Section of the Zoning Code

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

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Peggy E. Evatt, Chairman	--	AYE
Ken Spiliias, Vice Chairman	--	AYE
Dennis P. Koehler, Member	--	AYE
Dorothy Wilken, Member	--	NAY
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 10th day of Jan , 1984 , confirming action of 29th September 1983

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Marlene Harris*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

John B. ...
County Attorney

FILED THIS **JAN 10 1984** DAY OF 19
AND RECORDED IN RESOLUTION
MINUTE BOOK NO **325** AT
PAGE **465-468** RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY *ed. Harris* DC

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