

RESOLUTION NO. R- 86-640

RESOLUTION APPROVING ZONING PETITION 86-25, 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. 86-25 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th February 1986; 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. The School Board of Palm Beach County has demonstrated that the schools serving Petition 86-25 are operating at or above capacity and that plans exist for additional facilities to alleviate overcrowding and to house additional students generated by new residential growth. The petitioner has agreed to voluntarily participate in the School Board's Site Acquisition Program by contributing \$250.00 for each dwelling unit within the subject development. Funds will be used by the School Board for the acquisition of sites and/or the construction of facilities serving subject petition.
3. Payment shall be due the School Board of Palm Beach County at time of issuance of residential building permit.

NOW, THEREFOHE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of February 1986, that Petition No. 86-25 the petition of AMERICAN REAL ESTATE TRADING, By Robert Bentz, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANKED UNIT DEVELOPMENT INCLUDING A

CHILD DAY CARE FACILITY AND AN EDUCATIONAL INSTITUTION on a parcel of land lying Blocks 40 and 41, Palm beach Farms Company, Plat No. 3, in Sections 9 and 10, Township 45 South, Range 42 East, as recorded in Plat Book 2, Page 49 and being more particularly described as follows :

Commencing at a point in the West line of Tract 9, of said Block 40, said point, being 30.00 feet Southerly from the Northwest corner of said Tract 9; thence, South 00 degree 44'33" West, along said West line, a distance of 30.00 feet; thence, South 89 degrees 07'20" East, along a line parallel with and 60.00 feet South of (as measured at right angles to) the North line of said Tract 9, a distance of 29.00 feet; thence, South 00 degree 44'33" West, parallel to the West line of said Block 40, a distance of 89.87 feet to the point of curvature of a curve concave to the Northeast having a radius of 1484.82 feet; thence, Southerly and Southeasterly along the arc of said curve through a central angle of 27 degrees 44'33", a distance of 78.94 feet to the point of tangency; thence, South 27 degrees 00'00" East, a distance of 150.00 feet to the point of curvature of a curve concave to the West having a radius of 1801.46 feet; thence, Southeasterly, Southerly and Southwesterly along the arc of said curve through a central angle of 54 degrees 30'00", a distance of 1713.56 feet to the point of tangency; thence, South 27 degrees 30'00" West, a distance of 849.99 feet; thence South 17 degrees 30'00" East, a distance of 35.36 feet; thence, South 27 degrees 30'00" West, along a line radial to the next described curve, a distance of 80.00 feet to the radial intersection of previously said curve and the Point of Beginning; said curve being concave to the Southwest, having a radius of 560.138 feet;

Thence, Southeasterly along the arc of said curve, through a central angle of 13 degrees 30'00", a distance of 131.95 feet to the point of tangency; thence, South 49 degrees 00'00" East, a distance of 829.99 feet to the point of curvature of a curve concave to the North having a radius of 1100.00 feet; thence, Southeasterly, Easterly and Northeasterly along the arc of said curve through a central angle of 73 degrees 07'53", a distance of 1404.02 feet to the point of reverse

curvature of a curve concave to the Southeast having a radius of 260.00 feet; thence, Northeasterly and Easterly along the arc of said curve through a central angle of 33 degrees 07'53", a distance of 150.35 feet to the point of tangency; thence, South 89 degrees 00'00" East, a distance of 712.70 feet; thence, South 42 degrees 54'46" East, a distance of 36.82 feet to the intersection with the East line of Tract 54 of said Block 40; thence, South 03 degrees 10'25" West, along said East line of Tract 54 and its Southerly extension, a distance of 323.27 feet to an intersection with the centerline of that certain 30.00 foot wide road right-of-way abandoned under Official Record Book 2213, Page 967, lying between Tracts 54 and 55 of said Block 40; thence, South 05 degrees 06'20" West, along the East line of said Tract 55, a distance of 315.42 feet to an intersection with the right-of-way of Joy Road; thence, North 84 degrees 53'40" West, along said right-of-way, a distance of 55.08 feet to the radial intersection with the arc of a curve concave to the Northwest having a radius of 2448.88 feet; thence, Southerly and Southwesterly along the arc of said curve through a central angle of 27 degrees 03'52", a distance of 1152.56 feet to the intersection on the Northerly line of Tract 1 as shown on said Palm Beach Farms Company, Plat No. 3; thence, North 88 degrees 32'03" West, along the Northerly line of said Tract 1 and Westerly extension thereof, a distance of 2371.30 feet to an intersection with the Easterly line of Tract 64 of said Block 40; thence, South 05 degrees 07'22" West, along said East line of Tract 64 and its Southerly extension, a distance of 188.92 feet; thence, South 01 degree 41'22" West, to the Northerly line of Lake Worth Drainage District Lateral Canal 20 (as laid out and in use), a distance of 66.04 feet; thence, North 88 degrees 16'52" West, along the Northerly line of Lake (as laid out and in use), a distance of 523.13 feet; thence, North 00 degree 44'33" East, along a line which is 296.00 feet West of and parallel with the centerline of that certain 50.00 foot wide road right-of-way (abandoned) lying between Blocks 40 and 41, as shown on said Plat of Palm Beach Farms Company, Plat No. 3, a distance of 1321.67 feet to the point of curvature of a curve concave to the Southeast having a radius of 2157.37 feet;

thence, Northerly and Northeasterly along the arc of said curve through a central angle of 26 degrees 45'27", a distance of 1007.50 feet to the point of tangency; thence, North 27 degrees 30'00" East, a distance of 349.99 feet; thence, North 72 degrees 30'00" East, a distance of 35.36 feet to the Point of Beginning. Said property located on the west side of Jog Road approximately .7 miles south of Hypoluxo Road being bounded on the south by the L.W.D.D. Lateral Canal No. 20 was approved as advertised subject to the following conditions :

1. Prior to site plan certification, the site plan shall be amended to reflect the following:

- a) The location of wooded areas and existing and proposed water bodies,
- b) Clearly delineated required 25 foot perimeter buffer,
- c) Recreation amenities package.
- d) Acreage of "recreation and park" sites.
- e) Housing types shall be listed pursuant to Section 402.7.3.d.2.

2. The developer shall preserve existing vegetation on the site and shall incorporate said vegetation into the project design. Appropriate measures shall be taken to protect these preservation areas during site clearing and construction.

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 Subdivision and Platting Ordinance 73-4, as amended. The drainage system shall be maintained in an acceptable condition per the County Engineers approval.

6. The property owner shall convey for the ultimate right-of-way of:
a) Jog Road, a total of 120 foot of right-of-way per Road Book 4, Page 136,
b) Hagen Ranch Road, 54 feet from centerline,
c) the additional right-of-way for the construction of a right turn lane, north approach on Jog Road at the project's entrance road. This right-of-way shall be for a minimum of 12 foot in width, 150 feet in length plus the appropriate tapers per the County Engineers approval.
all within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

7. The property owner shall construct at the intersection of Jog Road and the project's entrance road:
a) left turn lane, south approach,
b) right turn lane, north approach,
c) left turn lane, west approach,
all concurrent with the construction of project's entrance road onto Jog Road.

8. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive

outfall to accommodate the runoff of Joy Road and Hagen Ranch Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Joy Road and Hagen Ranch Road. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements.

Note: Should an adjacent property owner receive zoning approvals which has a similar Condition placed on its petition this property owner shall not be responsible for accommodating the adjacent property's runoff.

9. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is:

- a) 3,135 trips X \$80.40 per trip = \$252,054.00 (residential)
- b) 138 trips X \$26.79 per trip = \$3,697.00 (non residential private school).

10. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$63,938.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$319,689.00 to be paid prior to July 1, 1987 either in cash or by a Letter of Credit which can be called upon when 30 day notification is given to the property owner.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$63,938.00 shall be credited toward the increased Fair Share Fee.

11. The interior main east-west roadway shall be a minimum of 80 feet of right-of-way. The property owner shall provide access from the site onto proposed Hagen Ranch Road. At such time as Hagen Ranch Road is constructed this property owner shall construct at the intersection of Hagen Ranch Road and project's entrance:

- a) left turn lane, north approach,
- b) right turn lane, south approach,
- c) left turn lane, east approach,

12. The petitioner shall convey to the Lake North Drainage District all lands lying south of a line lying 5 feet north of the north top of the bank of the existing Lateral Canal No. 20 for the required ultimate right-of-way for said Lateral Canal No. 20, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of adoption of the Resolution by the Board of County Commissioners.

13. The property owner shall plat each parcel per the County Engineers Approval.

14. The property owner shall install signalization if warranted as determined by the County Engineer at Jog Road and project's entrance road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

15. All property included in the legal description of this Zoning Petition shall be subject to a Declaration of Restrictions and Covenants, acceptable to County Attorney's office, which shall provide, among other things, for the following: Formation of a single "master" property owners' association, and automatic membership in the "master" property owners' association by any party holding title to any portion of the property included in the P.U.D.

16. The development shall meet or exceed the minimum recreation area requirement of Article IX, Section VIII, of the P.B.C. Subdivision and Platting Regulation Ordinance.

17. The density of this project shall not exceed 2.5 dwelling units per acre.

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

Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT
Ken Adams, Chairman	--	AYE

The foregoing resolution was declared duly passed and adopted this 13th day of May, 1986 confirming action of the 27th Fetruary 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOAKD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney