

ORIGINAL

RESOLUTION NO. R-87-429

RESOLUTION APPROVING ZONING PETITION 86-104, 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. 86-104 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 23, 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. With required master plan modification, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

The Palm Beach County School Board and the Palm Beach County Parks and Recreation Department have demonstrated direct and identifiable impacts on educational and recreational services associated with the proposed development. In efforts to mitigate these infrastructure service impacts the petitioner proposes to dedicate a thirty (30) acre civic site that will mitigate educational and recreational impacts. Further, the petitioner proposes to enter into formal agreement with the School Board and County Parks and Recreation Department on the coordination of development of the civic site with the PUD development.

Recommendation: Petitioner has voluntarily agreed to provide an elementary school site.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 24th day of March, ~~19-82~~, that: Petition No. 86-104, the petition of STRAZZULLA BROS. COMPANY, INC. By William R. Boose, 111, Esquire, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT, INCLUDING THE REMOVAL OF SOIL AND FILL MATERIALS on all of Section 25, Township 44 South, Range 41 East, Less the Right-of-Way for State Highway No. 7, as recorded in Road Book 1, Page 40 and 43, and Less the North 75.0 feet and the South 75.0 feet for Right-of-Way to Acme Improvement District, as recorded in Deed Book 1081, Page 623, and less the following described parcel: Commencing at the Northeast corner of said Section 25; thence North 88 degrees 11'01" West, along the North line of said Section 25, a distance of 181.17 feet, thence, South 01 degree 42'43" West, along the ultimate right-of-way line for State Road No. 7 (being 200 feet West of and parallel with the existing West face of the guard rail), a distance of 75.00 feet to the Point of Beginning; thence, continue South 01 degree 42'43" West, along said ultimate right-of-way line, a distance of 1228.93 feet: thence, South 46 degrees 49'58" West, along the proposed North right-of-way line of Lake Worth Road Extension, a distance of 35.43 feet; thence, North 88 degrees 02'47" West, along said proposed North right-of-way line, a distance of 809.48 feet; thence, North 01 degree 42'43" East, a distance of 1252.04 feet; thence, South 88 degrees 11'01" East, along the South line of lands deeded to Acme Improvement District in Official Record Book 1081, Page 623, a distance of 834.58 feet to the Point of Beginning. Said property located on the west side of U.S. 441 (S.R. 7), approximately .3 mile north of 52nd Place South and being bounded on the north by Lake Worth Drainage District Canal No. S-6 was approved as advertised subject to the following conditions:

1. Prior to master plan certification, the master plan shall be amended to reflect the following:
 - a. required number of trees to be preserved or planted
 - b. a minimum of 15.6 acres of land for recreational purposes
 - c. separate the cypress data from the "government services" parcel
 - d. indicate the access to the "government services" parcel

2. 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 P.U.D.

3. Since sewer and/or water service is/are available to the property, septic tank and/or well shall not be approved for use on said property.

4. Maximum residential density shall be limited to two (2) dwelling units per acre.

5. This development shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of permit application, but as a minimum, the 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 as approved by the County Engineer. In the event that the Drainage System is not adequately maintained to the satisfaction of the County Engineer, the matter shall be submitted to the Code Enforcement Board for review and possible citation.

6. The property owner shall convey from the subject property and the adjacent outparcel for the ultimate right-of-way of:
 - a. Lake Worth Road, one hundred twenty (120) total feet of right-of-way on an alignment approved by the County Engineer.
 - b. State Road 7, 200 feet west of the existing east right-of-way line of State Road 7
 - c. The additional right-of-way required for the "Special intersection" as shown in Palm Beach Thoroughfare Right-of-way Protection Map
 - d. Homeland Road, eighty (80) feet along the project's south property line (to be dedicated to the public).
 - e. Lake Worth Road for the construction of a right turn lane, east approach and a right turn lane, west approach on Lake Worth Road at the project's entrance road. This shall be a minimum of twelve (12) feet in

width, one hundred fifty (150) feet in length, with a taper length of one hundred eighty (180) feet.

All within ninety (90) days of approval of the Resolution approving this project.

7. The property owner shall construct the following turn lanes:
At the intersection of Lake Worth Road and the project's entrance road.
 - a. Left turn lane, north approach
 - b. Left turn lane, south approach
 - c. Left turn lane, east approach
 - d. Left turn lane, west approach
 - e. Right turn lane, west approach
 - f. Right turn lane, east approach

8. The property shall provide to Palm Beach County a road drainage easement within the project's internal lake system to accommodate the runoff of Lake Worth Road and State Road 7 along the project's frontage and for a maximum 400 foot distance each side of the property boundary lines along State Road 7 and Lake Worth Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage 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 \$881,827.00 (10,968 trips X \$80.40 per trip).

10. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$594,605.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of ~~\$1,476,432.00~~ shall be paid prior to the issuance of the first building permit or prior to January 1, 1988, whichever shall first occur, and this amount shall be credited toward any traffic impact fees.

11. Surety in the amount of \$1,476,432.00 shall be furnished to Palm Beach County prior to the issuance of a Building Permit or prior to June 1, 1987, whichever shall first occur.

12. In order to comply with the mandatory traffic performance standards, the developer shall be limited:
 - a) to no more than 150 building permits per year (up to a total of 600 building permits) until State Road 7, Lake Worth Road intersection has been constructed as a special intersection. This work is scheduled to be built by the Orange Point PUD and Petition 84-98. Once this work is completed, this condition will no longer apply.

- b) no more than nine hundred (900) building permits shall be issued until the contract has been let for the four (4) laning of Lake Worth Road underneath the Florida Turnpike.
13. The property owner shall install signalization if warranted as determined by the County Engineer at the intersection of:
- a) State Road 7 and Lake Worth Road (Pro rata share with any other 3rd parties).
- b) The project's entrance road and Lake Worth Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy\$ the property owner shall be relieved from this condition. Surety acceptable to the County Engineer shall be posted within twelve (12) months of Special Exception approval.
14. At the time of issuance of the first building permit, Lake Worth Road shall be constructed as a minimum two (2)-lane section from State Road 7 west to the project's entrance.
15. Should any of the developers of Petition Nos. 86-98, 86-100, or 86-104 fail to post adequate surety for all required improvements to Lake Worth Road within six (6) months of the date of final adoption of the Resolution approving this project, the three (3) petitions shall be reconsidered by the Board of County Commissioners pursuant to a staff initiated Zoning Petition. Prior to final Board action on the staff initiated petition, no further master plan approvals, site plan approvals, plat approvals, letter of technical compliance approvals, or building permits shall be issued provided, however, that this petitioner may avoid this action by posting the full amount of surety required by all three (3) projects upon the posting of which the Board of County Commissioners shall not reconsider the Zoning status of this project with respect to this petitioner pursuant to this condition.
16. The Petitioner shall convey a twenty (20) acre governmental services site for educational and recreational uses. Conveyance shall be by joint deed to the Board of County Commissioners and the Palm Beach County School Board within ninety (90) days of the final adoption of the Resolution approving this project. The land conveyed shall be improved as a twenty (20) acre site with utilities, drainage, and Lake Worth Road Access. Such improvements are to be completed in concurrence with the extension of Lake Worth Road to the site. Drainage for the governmental services site shall be accommodated outside the twenty (20) acre site, but within the project's master drainage system.

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

Karen T. Marcus	--	AYE
Jerry L. Owens	--	AYE
Ken Spillias	--	AYE
Dorothy Wilken	--	ABSENT
Kenneth M. Adams	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 24th day of March, 1987 confirming action of October 23, 1986.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Lina M. Haddings
 Deputy Clerk

APPROVED AS TO FORM
 AND LEGAL SUFFICIENCY

AM
 County Attorney