

RESOLUTION NO. R-89- 602

RESOLUTION APPROVING ZONING PETITION NO. 87-92
SPECIAL EXCEPTION PETITION OF BOYNTON WEST LAND
AND DEVELOPMENT COMPANY, INC.

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. 87-92 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 6, 1988; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-92 the petition of BOYNTON WEST LAND AND DEVELOPMENT COMPANY, INC., for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcels of land as follows:

NORTHERN PORTION: A parcel of land lying in Block 49 of the plat of Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2 at Pages 45 thru 54, inclusive, said parcel being more particularly described as follows:

Tract 17, less the North 110.00 feet thereof and less the West 55.00 feet thereof; Tracts 18 thru 32 inclusive, less the North 110.00 feet thereof; Tracts 33 thru 47 inclusive; Tract 48, less the West 25.00 feet thereof;

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL: That certain 50 foot wide road right-of-way lying westerly of Tracts 23 and 24, of Block 48 and Easterly of Tracts 32 and 33 of Block 49 in the Plat of Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2 at Pages 45 thru 54, inclusive, less the North 110.00 feet thereof being the Lake Worth Drainage District right-of-way for Boynton Canal.

SOUTHERN PORTION: A parcel of land lying in Block 49 of the Plat of Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2 at Pages 45 thru 54, inclusive, said parcel being more particularly described as the follows:

Tract 59, less the North 38.3 feet thereof; Tract 60, less the North 38.00 feet thereof; Tracts 61 thru 63 inclusive, less the North 38.3 feet thereof; Tract 64, less the North 38.00 feet thereof; Tracts 65 thru 70 inclusive; Tracts 91 thru 96 inclusive; Tracts 97 thru 102 inclusive, less the South 30.00 feet thereof.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCELS: That certain 50.00 foot wide road right-of-way lying westerly of Tracts 39, 40, and 55 of Block 48 and Easterly of Tracts 64, 65, and 96 of Block 49 in the Plat of Palm Beach Farms Company Plat 3 as recorded in Plat Book 2 at Pages 45 thru 54, inclusive.

The West 1/2 of that certain 50.00 foot wide road right-of-way lying Westerly of Tract 56 of Block 48 and Easterly of Tract 97 of Block 49 in the Plat of Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2 at Pages 45 thru 54, inclusive, less the South 30.00 feet thereof.

That certain 30.00 foot wide road right-of-way lying Southerly of Tracts 65, 66, 67, 68, 69, and 70 and lying Northerly of Tracts 91, 92, 93, 94, 95, and 96 in Block 49 of the Plat of Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2 at Pages 45 thru 54, inclusive, located on the north side of Boynton West Road (S.R. 804), approximately .5 mile west of Jog Road, in a RS-Single Family Residential Zoning District, in part, and a RTS-Residential Transitional Suburban Zoning District, in part, was approved as advertised, subject to the following conditions:

1. Prior to master plan certification, petitioner shall abandon the east-west unimproved rights-of-way traversing the proposed development.
2. Prior to master plan certification, the petitioner shall procure the necessary releases from the Florida Power and Light Company to construct a golf course and related improvements within the 160 foot easement.
3. Prior to master plan certification, petitioner shall submit an eradication plan for the removal of all

prohibited species on site and a concurrent revegetation plan, to the Zoning Division. The buffers shall be revegetated as required by Section **500.35** of the Zoning Code. The revegetation plan shall indicate canopy trees to be planted at a maximum of **30** feet on center within the westernmost **25** foot buffer zone.

4. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However at a minimum, this development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County subdivision and Platting Ordinance **73-1**, as amended. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
5. The property owner shall convey for the ultimate right-of-way for:
 - a. Boynton Beach Boulevard, **61** feet north of the existing centerline.
 - b. Hagen Ranch Road, a total of **80** feet of right-of-way
 - c. the construction of a right turn lane, east approach on Boynton Beach Boulevard at the project's entrance road. This right of way shall be a minimum of **200** feet in length with a taper length of **180** feet

all within **90** days of the approval of the Resolution approving this project as required by the County Engineer.

6. The property owner shall construct:
 - a. Left turn lane, west approach, and a right turn lane, east approach, on Boynton Beach Boulevard at the project's entrance road. This construction shall be concurrent with the four laning of Boynton Beach Boulevard by the Florida Department of Transportation. The property owner shall be fiscally responsible for any Change Order associated with this construction.
 - b. Separate left turn and right turn lanes, north approach, on the project's entrance road at Boynton Beach Boulevard concurrent with the construction of the project's entrance road.
 - c. Signalize the intersection of Boynton Beach

Boulevard and the project's entrance road, when warranted, as determined by the County Engineer.

- d. A dual left turn lane, north approach, on the project's entrance road at Boynton Beach Boulevard, concurrent with the signalization of the intersection, when warranted, as determined **by** the County Engineer.
7. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of Hagen Ranch Road and Boynton Beach Boulevard along the property frontage and for a maximum **400** ft. distance each side of the property boundary lines along Hagen Ranch Road and Boynton Beach Boulevard. 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.
8. 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 **\$601,151.00 (7,477 trips X \$80.40 per trip)**.

Credit for the cost of plan preparation and construction listed in Condition **Nos. 9, 10, 11, 14, 15, 16** and **17** shall be given against the existing traffic impact fee and also against any increases in the Fair Share Fee, should the "Fair Share Contribution for Road Improvements Ordinance" be amended. Upon receipt of the bond required in Condition **No. 18**, the Impact Fee for this project shall be considered bonded and no impact fees shall be dues while the bond is in effect.

9. The property owner shall provide construction plans for Hagen Ranch Road as a two (2) lane section (expandable to five (5) lanes) from the project's south property line north to the north right-of-way line **of** the Boynton Canal (including bridge plans for a five (5) lane section which could be built as a two (2) lane alternate) plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist **or** as they may from time to time be amended. These construction plans shall be completed by **June 30, 1990**.

Plan costs shall be approved by the County Engineer. Plans shall include appropriate pedestrian circulation and drainage for the ultimate five **(5) lane cross-section**.

10. The property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including, but not limited to, surveys, property owner's maps and legal descriptions for acquisition and parceled right-of-way maps required for construction of Hagen Ranch Road as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of **25** years.
11. The property owner shall construct Hagen Ranch Road as a two **(2)** lane section from the project's south property line to the north right-of-way line for the Boynton Canal in accordance with the Condition **above**. The property owner shall construct both the two **(2)** lanes on the bridge crossing the Boynton Canal and Hagen ranch Road with the project prior to the final plat or when required for continuity, **as** determined by the County Engineer: however, in no case earlier than January **1, 1991**. An Engineer's cost estimate shall be provided and surety in this amount be **provided** in accordance with Condition **No. 18**. At the County Engineer's option, the County may participate **in** the widening of the bridge to the full five **(5)** lane section at the time of construction.
12. The property owner shall construct at the intersection of Hagen Ranch Road and the project's entrance road:
 - a. Left turn lanes, north and south approaches, concurrent with the Hagen Ranch Road construction.
 - b. Left turn lane, east approach, concurrent with the project's entrance road construction east of Hagen Ranch Road.
 - c. Left turn lane, west approach, concurrent with the project's entrance road construction west of Hagen Ranch Road.
 - d. Signalization **of** the intersection, when warranted, as determined by the County Engineer. If signalization is not warranted after **12** months **of** the final Certificate **of** Occupancy, this property owner shall be relieved of this requirement.
13. The property owner shall construct the following internal improvements concurrent with the construction of the adjacent plats:

- a. A left turn lane on the main project's roadway at the entrances to Parcels E, G, C, and A.
14. In order to comply with the mandatory traffic performance standards, the property owner shall be restricted to the following phasing schedule:
- a. PHASE I: Maximum of 50 multi-family units (or equivalent single family homes, as approved by the County Engineer), until construction commences for the widening of Boynton Beach Boulevard as a minimum of four (4) lanes from Hagen Ranch Road to Military Trail by the Florida Department of Transportation (Scheduled for March, 1989).
 - b. PHASE II: Maximum of 199 multi-family units (or equivalent single family homes, as approved by the County Engineer), until construction commences for the widening of Military Trail as a minimum of four (4) lanes from Old Boynton Road to Miner Road by Palm Beach County (Scheduled for September, 1988).
 - c. PHASE III: Maximum of 234 multi-family units (or equivalent single family homes, as approved by the County Engineer), until construction commences for the widening of Military Trail as a minimum of four (4) lanes from Steiner Road to Via Delray by Palm Beach County (Scheduled for January 1989).
 - d. PHASE IV: Maximum of 243 multi-family units (or equivalent single family homes, as approved by the County Engineer), until construction commences for the widening of Military Trail as a minimum of four (4) lanes from Miner Road to Hypoluxo Road by Palm Beach County (Scheduled for September, 1989).
 - e. PHASE V: Maximum of 510 multi-family units (or equivalent single family homes, as approved by the County Engineer), until the developer commences construction of the widening of Congress Avenue from Boynton Beach Boulevard to Northwest 22nd Avenue as a six (6) lane divided roadway.

The construction listed in subparagraphs b, c and d, above, which is scheduled as part of Palm Beach County's Five Year Road Program, is considered to be assured construction. Each of these phasing controls shall be lifted at the end of the fiscal year following the fiscal year of scheduled construction if the scheduled construction is delayed.

15. In order to further comply with the mandatory traffic performance standards, the property owner shall:

- a. Participate with Palm Beach County in the widening of Military Trail from Old Boynton Road to Miner Road. The property owners participation **shall** be limited to the additional costs of widening from a four (4) lane to a six (6) lane divided road.
 - b. Provide construction plans for the six (6) Laning of Military Trail from Old Boynton Road thru Boynton Beach Boulevard with appropriate transition and tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist, or as **they** may from time to time be amended. These construction plans shall be completed within six (6) months of the approval of the resolution approving this project. Plan costs shall be approved by the County Engineer.
 - c. Construct Military Trail from Boynton Beach Boulevard to Old Boynton road as a six (6) lane divided roadway in accordance with the construction plans developed pursuant to Condition **No. 15.b.** It is the intent that this section of Military Trail from Boynton Beach Boulevard to Old Boynton Road to be expanded from four (4) lanes to six (6) lanes and that the construction, at the option of the County Engineer, be performed by Palm Beach County. This construction shall be performed concurrent with the widening of Military Trail from Old Boynton Road to Miner Road by Palm Beach County (County Road Job #83224A). The property owner shall provide to Palm Beach County the funds, including funds for administration and inspection for the County to construct the road.
16. The property owner shall provide construction plans for the six (6) laning of Congress Avenue from Boynton Beach Boulevard to Northwest 22nd Avenue. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist, or **as** they may from time to time be amended. These construction plans shall be completed within 12 months of the approval of the resolution approving this project. Plan costs shall **be** approved by the County Engineer.
17. The property owner shall commence construction of Congress Avenue as a six (6) lane divided road prior to the issuance of building permits for **510 multi-family** units (or equivalent single family homes, **as** approved by the County Engineer), or prior to June 1, 1990,

whichever first occurs.

At the County Engineer's option, the property owner shall let the contract for this construction for Congress Avenue or provide to Palm Beach County the funds, including funds for administration and inspection for the County to construct the road. At the County Engineer's option, the County will fund the overlay of the existing lanes as a part of the widening.

18. The property owner shall provide surety in the amount of 110% of the estimated cost for the off-site improvements listed in Condition No. 11 (two (2) lane bridge over Boynton Canal and two (2) laning of Hagen Ranch Road within project boundaries), Condition No. 15.a (six (6) laning of Military Trail from Old Eoynton to Miner Road), Condition No. 15.c. (six (6) laning of Military Trail from Boynton Beach Boulevard to Old Boynton Road, and Condition No. 17 (six (6) laning of Congress Avenue from Boynton Beach Boulevard to Northwest 22nd Avenue). An estimated cost for these improvements shall be prepared by the property owner's Engineer and submitted to the County Engineer within 120 days of the approval of the resolution approving this project. Surety shall be required 60 days after acceptance of the cost estimate by the County Engineer.
19. Prior to master plan certification, petitioner shall convey to the Lake Worth Drainage District: (ii) the East 30 feet of the West 55 feet of Tract 48, Block 49, P.B.F. Co. Plant No. 3 for the required right-of-way for Equalizing Canal No. 2-E, and (b) the North 55 feet of Tracts 59 and 64 including Block 49 for the required right-of-way for Lateral Canal No. 23. Conveyance shall be in the form of an Easement Deed or a Quit Claim Deed, whichever the owner prefers. Conveyance shall be made within 90 days of approval of the resolution approving this project.
20. Since sewer service is available to the property, septic tank shall not be approved for use on said property.
21. Since water service is available to the property, a well shall not be approved for potable water use on said property.
22. a. A 5.4 acre civic use site shall be dedicated to the Board of County Commissioners concurrent with the filing of the first plat for this project.
b. The petitioner may in lieu of a. (above), exchange the required on site dedication of land for civic

uses either for a parcel of land off site equal in acreage or cash of equal value. In addition, in the event that the off site land dedication is of less cash value than the on site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on site and off site land dedications., The value of the on site land dedication shall be based upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. If an off site land or cash contribution is accepted by Palm Beach County, petitioner shall be deemed to have satisfied the intent of Zoning Code Section 500.21.H.

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Absent

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 6, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


DEPUTY CLERK