

RESOLUTION NO. R-90-837

RESOLUTION APPROVING ZONING PETITION NO. 80-215(C)
SPECIAL EXCEPTION PETITION OF SEAGRASS PROPERTIES, INC.
BY RUSSELL C. SCOTT, AGENT

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 have been satisfied; and

WHEREAS, Petition No. 80-215(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 28, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 80-215(C), the petition of SEAGRASS PROPERTIES, INC., BY RUSSELL C. SCOTT, AGENT, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE MASTER PLAN FOR GLEN EAGLES/POLO CLUB WEST PLANNED UNIT DEVELOPMENT TO (1) INCREASE LAND AREA, AND (2) INCREASE DWELLING UNITS on a parcel of land lying in Section 21, 27 and 28, Township 46 South, Range 42 East, a portion thereof being a portion of PALM BEACH FARMS COMPANY Plat No. 1, Plat Book 2 on Pages 26 through 28; Commencing at the Northwest corner of the Northeast 1/4 of said Section 21; Thence, South 01 Degrees 54'37" East, along the West line of said Northeast 1/4, a distance of 34.05 feet to the Southerly right-of-way line of West Atlantic Avenue (SR 806), and the POINT OF BEGINNING; From the POINT OF BEGINNING, Thence, North 89 Degrees 18'11" East along said right-of-way line, a distance of 1342.23 feet to the West line of the East 1/4 of said Section 21; Thence, North 02 Degrees 05'51" West, along said line, a distance of 7.02 feet to a point on the South right-of-way line of West Atlantic Avenue (SR 806), Road Book 3, Page 24; Thence, North 89 Degrees 18'11" East, along said right-of-way line, distance of 1342.31 feet to the East line of said Section 21; said line also being the Westerly line of KINGS POINT Plat No. One, Plat Book 29, Page 138; Thence, South 02 Degrees 17'28" East, along said

line, a distance of 2628.35 feet to the East 1/4 corner of said Section 21; Thence, South 02 Degrees 16'51" East, continuing along said line, a distance of 2670.18 feet to the Southeast corner of said Section 21 and the Northwest corner of said Section 27; Thence, North 89 Degrees 19'27" East, along the North line of the said Section 27, a distance of 1337.78 feet to the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of said Section 27; Thence, South 00 Degrees 33'20" East along the East line of the Northwest 1/4 of the Northwest 1/4 of said Section 27, a distance of 1358.81 to the Northwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 27; Thence, North 89 Degrees 19'33" East, along the North line of the Southeast 1/4 of the Northwest 1/4 of said Section 27, a distance of 669.21 feet to the Northeast corner of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section. Thence, South 00 Degrees 34'09" East, along the East line of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section, a distance of 679.41 feet to the Northwest corner of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 27; Thence, North 89 Degrees 19'36" East, along the North line of said Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4, a distance of 604.37 feet to a point on the West right-of-way line of a 120.00 foot wide right-of-way for Jog Road (centered on the East line of the West 1/2 of said Section 27); Thence, South 00 Degrees 34'58" East, along said West right-of-way line, a distance of 679.42 feet to the South line of the North 1/2 of said Section 27; Thence, South 89 Degrees 18'36" West, along said South line, a distance of 2818.07 feet to the Southwest corner of the Northwest 1/4 of said Section 27; Thence, South 89 Degrees 01'19" West, along the South line of the North 1/2 of the aforementioned Section 28, a distance of 1350.92 feet to the East line of the West 1/2 of the East 1/2 of said Section 28; Thence, South 00 Degrees 42'46" East, along said East line, a distance of 2718.52 feet to the South line of said Section 28; Thence, South 88 Degrees 58'28" West, along said South line, a distance of 1342.43 feet to the Southeast corner of the Southwest 1/4 of said Section 28; Thence, continue along said South line South 88 Degrees 58'28" West, a distance of 2684.87 feet to the Southwest corner of said Section 28; Thence, North 00 Degrees 53'09" West, along the West line of said Section 28, a distance of 2721.84 feet to the Northwest corner of the Southwest 1/4 of said Section 28. Thence, continue along said West line North 00 Degrees 53'09" West, a distance of 2721.84 feet to the Northwest corner of said Section 28; Thence, North 01 Degrees 52'26" West, along the West line of the aforementioned Section 21, a distance of 120.02 feet to the Southwest corner of GLENEAGLES PLAT ONE, Plat Book 50, Pages 63 through 65; Thence, continue North 01 Degrees 52'26" West, along the West line of said GLENEAGLES PLAT ONE, a distance of 3211.50 feet; Thence, North 89 Degrees 08'23" East, along the boundary of said GLENEAGLES PLAT ONE, a distance of 2682.21 feet; Thence, North 01 Degrees 54'37" West, along the boundary of said GLENEAGLES PLAT ONE, a distance of 1973.61 feet to the POINT OF BEGINNING, being located on the South side of Linton Boulevard, approximately .25 mile West of Jog Road in a RTS-Residential Transitional Suburban Zoning District, was approved on December 28, 1989 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition number 2 of Petition 80-215(B) which presently states:

"2. The petitioner shall:

- A. Dedicate by fee simple title deed to Palm Beach County 2% of the gross area of the Planned Unit Development (21.4 acres). This land shall be located in the southeast corner of the intersection of Linton Boulevard and the E-2 1/2 canal; or,
- B. The petitioner may 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, the petitioner shall be deemed to have satisfied the intent of Zoning Code Section 500.21.H.

Prior to master plan certification, the petitioner shall submit:

- a. A master plan showing the location of a 21.4 acre civic site within the Planned Unit Development; or
- b. Documentation, subject to approval by the County Attorney, indicating compliance with and acceptance of this contribution, as described in Condition 2.B, the Board of County Commissioners.

If the civic site contribution is approved and accepted, the petitioner shall submit a revised master plan to the Site Plan Review Committee to redesignate the area labeled as Civic Site to a Residential land Use for Category A or B units."

is hereby amended to read:

"The petitioner shall:

- A. Dedicate by fee simple title deed to Palm Beach County 2% of the gross area of the Planned Unit Development (24.72 acres). This land shall be located in the southeast corner of the intersection of Linton Boulevard and the E-2 1/2 Canal; or,
- B. The petitioner may 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, the petitioner shall be deemed to have satisfied the intent of Zoning Code Section **500.21. H.**

Prior to master plan certification, the petitioner shall submit:

- a. **A** master plan showing the location of a **24.72** acre civic site within the Planned Unit Development; or
- b. Documentation, subject to approval by the County Attorney, indicating compliance with and acceptance of this contribution, as described in Condition 2.B, by the Board of County Commissioners.

If the civic site contribution is approved and accepted, the petitioner shall submit a **revised** master plan to the Site Plan Review Committee to redesignate the are labeled as Civic Site to a Residential land Use for Category A or **B units."**

3. Sewer service is available to the property. Therefore, no septic tank shall be permitted **on** the site.
4. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
5. The petitioner shall provide discharge control and treatment for 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 stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land **Development** Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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 as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
6. Prior to July 1, 1990 the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Linton Boulevard, **120** feet of right-of-way plus sufficient right-of-way required for the Linton Boulevard Overpass (over the internal roadway as shown on the master plan: as required by the County Engineer free of all

encumbrances and encroachments. 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 intersection; as determined by the County Engineer.

7. The petitioner shall convey to Palm Beach County within ninety (90) days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Jog Road, Linton Boulevard and West Atlantic Avenue along the property frontage and for a maximum four hundred feet (400') distance each side of the property boundary lines along Jog Road, Linton Boulevard and West Atlantic Avenue. Said easements shall be no less than twenty feet (20') in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.
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.
9. The petitioner shall convey to the Lake Worth Drainage District the:
 - a) Ninety (90) feet of right-of-way across the Northeast 1/4 of the Northeast 1/4 of Section 21, Township 46 South, Range 42 East for the required right-of-way for Lateral Canal No. 34.
 - b) Ninety (90) feet of right-of-way from the East 2 1/2 to Kings Point for the required right-of-way for Lateral Canal No. 35.

All by Quit Claim Deed or an Easement Deed in the form provided by said District prior to March 1, 1990.

10. The property owner shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
11. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	-- AYE
Karen T. Marcus	-- AYE
Carol Roberts	-- AYE
Ron Howard	-- AYE
Carole Phillips	-- AYE

The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of May, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK