

RESOLUTION NO. R-91-1068

RESOLUTION APPROVING ZONING PETITION NO. 80-212(D)
SPECIAL EXCEPTION PETITION OF THE BOARD OF COUNTY COMMISSIONERS

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. 80-212(D) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on May 31, 1991; 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 the 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, Chapter 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. 80-212(D), the petition of THE BOARD OF COUNTY COMMISSIONERS, KAREN MARCUS, CHAIR, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR THE PIPER'S GLEN PUD TO RECAPTURE 197 UNITS AND REDESIGNATE CIVIC AND PARK SITES, on a parcel of land lying in Sections 2, 3, and 4, Township 46 South, Range 42 East and Tracts 1 through 10, Tracts 25 through 40, Tracts 57 through 64 inclusive, Block 64, PALM BEACH FARMS COMPANIES PLAT NO. 3, Plat Book 2, Pages 45 through 54, and PIPERS GLEN Plat No. 1-A, Plat Book 43, Pages 97 through 100; Commencing at the Northeast Corner of said Section 2; Thence, bear South 89 Degrees 26'38" West, along the North Line of said Section 2, a distance of 50.01 feet to a point on the West right-of-way line of Military Trail; Thence, South 01 Degrees 46'44" East along said right-of-way line, a distance of 40.01 feet for a POINT OF BEGINNING. Thence, South 01 Degrees 46'44" East, along said right-of-way line, a distance of 295.34 feet to the South line of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 2; Thence, South 89 Degrees 27'23" West, along said line, a distance of 605.94 feet to the West line of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 2; Thence, North 01 Degrees 37'59" West, along said line, a distance

of 175.17 feet to the South line of the South 120.00 feet of the North 160.00 feet of the Northeast 1/4 of said Section 2; Thence, South 89 Degrees 26'38" West, along said line and Westerly prolongation thereof, a distance of 2031.52 feet to the West right-of-way line of the Lake Worth Drainage District Equalizing Canal E-3; Thence, South 01 Degrees 11'41" East, along said right-of-way line, a distance of 1178.87 feet to the North line of the Southeast 1/4 of the Northwest 1/4 of said Section 2; Thence, South 89 Degrees 29'38" West, along said line, a distance of 264.26 feet to the West line of the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 2; Thence, South 01 Degrees 07'18" East, along said line, a distance of 669.32 feet to the South line of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 2; Thence, North 89 Degrees 31'07" East, along said line, a distance of 265.11 feet to the West right-of-way line of said E-3 Canal; Thence, South 01 Degrees 11'41" East, along said right-of-way line, a distance of 629.44 feet to the North right-of-way line of the Lake Worth Drainage District Lateral Canal L-29; Thence, South 89 Degrees 32'35" West, along said right-of-way line, a distance of 2582.36 feet to the East line of said Section 3; Thence, South 89 Degrees 29'26" West, continuing along said line, a distance of 2763.19 feet to the West line of the East 60.00 feet of the Northwest 1/4 of said Section 3; Thence, North 00 Degrees 33'54" West, along said line, a distance of 1947.16 feet; Thence, North 45 Degrees 33'54" West, a distance of 35.36 feet; Thence, North 02 Degrees 11'29" West, a distance of 80.03 feet; Thence, North 43 Degrees 27'22" East, a distance of 35.95 feet; Thence, North 02 Degrees 31'22" West, a distance of 519.94 feet to the South right-of-way line of the Lake Worth Drainage District Lateral Canal L-28; Thence, North 89 Degrees 47'01" East, along said line, a distance of 80.05 feet to the East line of the Northwest 1/4 of Section 3; Thence, North 89 Degrees 34'41" East, continuing along said line, a distance of 2681.21 feet to the West line of Section 2; Thence, North 89 Degrees 26'38" East, along said line, a distance of 5191.58 feet to the POINT OF BEGINNING; together with a parcel beginning at the Northwest corner of said PIPERS GLEN PLAT NO. 1 in Plat Book 43, Pages 97 through 101; Said point lying on the Southerly right-of-way line of Lake Worth Drainage District L-28 Canal; Thence South 02 Degrees 31'22" East along the Westerly boundary of said PIPERS GLEN PLAT NUMBER 1, a distance of 519.94 feet; Thence continuing South along the aforementioned Westerly Plat line South 43 Degrees 27'23" West, a distance of 35.94 feet; Thence South 02 Degrees 11'29" East, a distance of 80.03 feet; Thence South 45 Degrees 33'54" East, for a distance of 35.36 feet; Thence South 00 Degrees 33'54" East, for a distance of 1947.16 feet to the Southwest corner of said PIPERS GLEN PLAT NUMBER 1 and the intersection thereof with the Northerly right-of-way line of the Lake Worth Drainage District L-29 Canal; Thence continuing along the aforementioned Northerly right-of-way line South 89 Degrees 29'26" West, for a distance of 2622.68 feet, to the intersection of West line of the said Section 3 and the East line of the said Block 64, PALM BEACH FARMS COMPANY'S PLAT NUMBER 3; Thence South 00 Degrees 35'08" East long the West line of said Section 3, for a distance of 325.41 feet; Thence continuing along the North right-of-way line of the aforementioned Lake Worth Drainage District L-29 Canal North 89 Degrees 58'27" West, for a distance of 2766.76 feet to the intersection thereof with the West line of said Tract 57 and the Easterly right-of-way line of Hagan Ranch Road; Thence continuing along the Easterly right-of-way line of Hagan Ranch Road North 00 Degrees 01'33" East, for a distance of 2635.19 feet; to the intersection thereof with the Southerly right-of-way line of said Lake Worth Drainage District L-28 Canal; Thence continuing along the aforementioned Lake Worth Drainage District L-28 Canal South 89 Degrees 28'57" East, for a distance of 2573.37 feet; Thence North 49 Degrees 28'26" East, for a distance of 53.83

feet; Thence South **89 Degrees 58'27"** East, for a distance of **123.99** feet; to the intersection thereof with the West line of said Section 3; Thence North **00 Degrees 35'08"** West, along the West right-of-way line of Section 3 and the Southerly right-of-way line of the said Lake Worth Drainage District **L-28** Canal, for a distance of **105.14** feet; Thence continuing along the aforementioned Southerly right-of-way line North **49 Degrees 28'26"** East, for a distance of **248.65** feet; Thence North **89 Degrees 47'01"** East, for a distance of **2412.97** feet, to the POINT OF BEGINNING, and being located on the W. SIDE OF MILITARY TRAIL AND THE EAST SIDE OF HAGAN RANCH ROAD IN THE RT ZONING DISTRICT, was approved on May 31, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
3. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit 95). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E)2(b) (Site Plan Review Committee Powers and Standards of Review).
4. The unit count for Pipers Glen shall not exceed **1,946** dwelling units. The balance of the units (**20**) originally approved (**1,966**) shall be forfeited and returned to the County in a form acceptable to the Planning, Zoning and Building Department and the County Attorney. Additionally, units may not be transferred in the future from POD to POD and any units not used shall revert back to the County.
5. Parcel H shall be limited to a maximum of **70** dwelling units, Parcel I shall be limited to a maximum of **72** dwelling units, and Parcel F shall be limited to a maximum of **132** dwelling units.

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Certain portions of Parcels H and I are the future location of Palm Beach County wells and are to be listed as a Wellfield Protection Zone 1 and 2. Maintenance and/or chemical storage building(s) shall not be located in Zone One (1) or Two (2) of the proposed wellfield.
2. Parcels G, H, I, F may be located in Wellfield Protection Zone 2. Sewer mains in Wellfield Protection Zone 2 are to be constructed to force main standards as outlined in Exhibit "F" of the Wellfield Protection Ordinance. Any nonresidential activities shall require to approval of the Department of Environmental Resources Management.
3. No pesticides or fertilizers should be applied through aerial irrigation.

4. All land development and construction activities within the project area must use those applicable best management practices as set forth in "Exhibit D" of the Wellfield Protection Ordinance.

C. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
2. Water service **is** available to the property. Therefore, **no well** shall be permitted **on** the site to provide potable water.
3. NO portion of this project is to be approved **on well** and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C.
4. The developer shall indicate appropriate well sites on the master plan subject to approval by the **Water** Utilities Department and the Department of Environmental Resources Management.

D. PARKS AND RECREATION

1. Prior to site plan certification, the petitioner **shall** have received verification from the Parks and Recreation Department that the Master Plan satisfies all recreational requirements of the Subdivision Code and required Improvements Regulations, Ordinance #90-8.
2. The Master Plan shall be amended to indicate **the** following:
 - a. a notation that in lieu of the previously shown **11** acre community park site, the recreational **area** requirements for all remaining PODS shall be met on a Plat by Plat basis, with the **11** acres of previous park being redistributed proportionately to the acreage within the remaining PODs west of Jog Road.
 - b. the tabular data should be corrected to reflect amended overall recreational acreage.
3. The petitioner shall exchange the required **17.56 acre** civic site through dedication of equivalent land area for Flavor Pick Road right-of-way and cash payment for the balance **of** the land required to equal **17.56** acres.

The value for this release shall be determined by the Department of Property and Real Estate Management, and be approved and accepted by the Board of County Commissioners prior to Master Plan certification. This agreement shall be clearly noted by the applicant on the approved Master Plan. Payment shall be made prior to June 30, 1992.

4. The developer shall indicate the recreation requirement **of** each Pod within the development - in compliance with the Zoning Code Section 500.21. J - on the site plan prior to Site Plan Certification.

E. ENGINEERING

1. Prior to July 1, 1991, or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for:
 - a. Flavor Pict Road, 120 feet of right of way along the project's south property line on an alignment approved by the County Engineer.
 - b. Sufficient right of way to provide for an "expanded intersection" right of way at the intersection of Hagen Ranch Road and Flavor Pict Road or an alignment approved by the County Engineer.
 - c. Sufficient right-of-way for a right turn lane on Hagen Ranch Road at Piper's Glen Boulevard. This right-of-way shall be a minimum of 150 feet in storage length, twelve feet in width and a taper length of 180 feet.

All free of encumbrances and encroachments. Developer 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 intersections as determined by the County Engineer.

2. Prior to July 1, 1991 or prior to the issuance of the first Building Permit, the Property owner shall convey to Palm Beach County adequate road drainage tract through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Flavor Pict Road, Jog Road, El Clair Rsnch Road and Hagen Ranch Road, along the property frontage and for a maximum 400 feet distance each side of the property boundary lines along Flavor Pict Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm wster 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. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer.
3. Piper's Glen PUD shall include in all written solicitations, advertisements, inducements, and other methods or attempts to encourage any person to purchase a legal or equitable interest in property which is the subject of this petition (or amendment hereto) a disclosure statement identifying all planned roadways within or adjacent to the petition property which are included in the County's Thoroughfare Plan or Five 'Zear Road Program. These shall include Jog Road, El Clair Ranch Road, and Flavor Pict Road.

4. The developer shall submit plans and construct berm and landscape buffers adjacent to the Flavor Pict Road Right-Of-Way subject to approval by the County Engineer and the Palm Beach County Zoning Department. Plans shall be submitted prior to site plan approval for POD G and construction shall be concurrent with paving and drainage improvements for POD G. Maintenance of this Landscape area shall be the responsibility of the Home Owners Association.
5. Funding, based upon a certified cost estimate from the developer's engineer and subject to approval by the County Engineer for the canal crossing of the LWDD-28 Canal on El Clair Ranch Road, shall be provided to the County prior to June 13, 1991. No building permits shall be issued until these funds are provided to the County. Upon receipt of these funds Palm Beach County shall construct the canal crossing.
6. The property owner shall provide written confirmation to the County Engineer that the property owner has provided the Palm Beach County Water Utilities Department with a required wellfield site on Parcel "H". Ownership of the wellfield site shall be in a form acceptable to the Palm Beach County Water Utilities Department and shall be either an easement or warranty deed. This shall be completed prior to January 15, 1992.
7. There shall be no at grade golf cart crossings at Jog Road, El Clair Ranch Road, or Pipers Glen Boulevard unless approved by the County Engineer at the controlled intersections of El Clair Ranch Road and Pipers Glen Boulevard.
8. The existing bridge crossing of the E-3 Canal shall be modified by the Developer to meet the existing standards of the County Engineer prior to January 1, 1992.
9. All surety to provide for the construction/completion of Jog Road, El Clair Ranch Road and Pipers Glen Boulevard and canal crossings (L-28 and E-3) east of Jog Road shall be renewed based upon an engineer's certified cost estimate to complete these roadways. This surety shall include a golf cart grade separation between Parcels A-1 and A-2. This surety shall be posted prior to August 1, 1991.

F. SCHOOL BOARD

1. The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be bused because of School Board policies regarding overcrowding, racial imbalancing or other policy matters. This documentation shall be updated on an annual basis.
2. NO residential building permits may be issued until the developer and the School Board review and approve in writing a racial balance agreement which will assure a public school student membership generated by the development which achieves School Board racial balance goals.

G. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Roberts moved for approval of the Resolution.

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


Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	ABSENT
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 20th day of August, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK