

RESOLUTION NO. R-79-925

RESOLUTION APPROVING ZONING PETITION

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. 79-126 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28 June 1979.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 28th day of June, 1979, that petition No. 79-126 the petition of JAMES M. NORMAN, TRUSTEE, by Conrad Schaefer, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on the Northwest 1/4 of Section 2, Township 46 South, Range 42 East. The North 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 2, Township 46 South, Range 42 East. The North 120 feet of the Northeast 1/4 of Section 2, Township 46 South, Range 42 East. The North 1/2 of Section 3, Township 46 South, Range 42 East. Tracts 1 thru 8, 25 thru 40, 57 thru 64, all inclusive, Block 64, Palm Beach Farms Co. Plat No. 3, as recorded in Plat Book 2, pages 45-54 inclusive. Excepting the following described parcels A and B, being more particularly described as follows: PARCEL 'A' - A parcel of land in Block 64, Palm Beach Farms Co., Plat No. 3 of Section 3, Township

46 South, Range 42 East, as recorded in Plat Book 2, pages 45-54, inclusive, said parcel of land being more particularly described as follows: Commencing at the Northwest corner of Tract 8 of said Palm Beach Farms Co. Plat No. 3; said Northwest corner of Tract 8 situated in the East right-of-way line of Hagan Ranch Road (a 30 foot platted road right-of-way); thence, bear South 00°01'33" West along the West line of said Tract 8, and along the East right-of-way line of Hagan Ranch Road a distance of 590.00 feet for a point of beginning; thence, continue along said East right-of-way line, a distance of 390.46 feet; thence, South 89°58'27" East, a distance of 780.92 feet; thence, North 00°01'33" East, a distance of 390.46 feet; thence, North 89°58'27" West, a distance of 780.92 feet to the point of beginning. Subject to reservations, easements, and rights-of-way of record. PARCEL 'B' - The East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 2, Township 46 South, Range 42 East. Also, excepting the rights-of-way for Lake Worth Drainage District Lateral and Equalizing Canals. Also, excepting the right-of-way for Military Trail (S.R. No. 809). Said property located at the northeast corner' of the intersection of Hagan Ranch Road and 125th Street South, being bounded on the east by Military Trail (S.R. 809) and north of L.W.D.D. Lateral Canal No. 28, was approved as advertised subject to the following conditions:

1. Petitioner shall convey to Palm Beach County one hundred twenty (120) feet for the ultimate right-of-way for Jog Road thru the project's limits.
2. Petitioner shall convey to Palm Beach County one hundred eight (108) feet for the ultimate right-of-way for El Clair Ranch Road thru the project's limits.
3. Petitioner shall convey to Palm Beach County sixty (60) feet from the east line of Section 2, Township 46 South, Range 42 East, for the ultimate right-of-way for Military Trail.
4. Petitioner shall construct Jog Road to a two-lane section thru the project's limits, as approved by the County Engineer.
5. Petitioner shall construct El Clair Ranch Road to a two-lane section thru the project's limits, as approved by the County Engineer, to the Indian Springs Planned Unit Development.

6. Petitioner shall construct a left turn lane, north approach, on Hagen Ranch Road at the project's entrance.
7. Petitioner shall construct at the intersection of the project's main road and Jog 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.
8. Petitioner shall construct at the intersection of the project's main road and El Clair Ranch Road:
 - a. Left turn lane, north approach.
 - b. Left turn lane, east approach.
 - c. Left turn lane, west approach.
9. Petitioner shall construct on Military Trail at the main road entrance:
 - a. Right turn lane, north approach.
 - b. Left turn lane, south approach.
10. Petitioner shall construct the main road access at Military Trail to have one lane entering and two lanes exiting,
11. Petitioner shall contribute the pro rata share for the construction of a left turn lane, north approach, on Military Trail at S.W. 23 Avenue.
12. Petitioner shall construct a right turn lane, south approach, on Military Trail at S.W. 23 Avenue.
13. Petitioner shall construct a left turn lane, north approach, on Military Trail at Coconut Lane.
14. Petitioner shall align the main road and Jog Road intersections to have two hundred (200) foot tangents with not more than a ten (10) degree angle.
15. Petitioner shall align the main road and El Clair Ranch Road intersections to have two hundred (200) foot tangents with not more than a ten (10) degree angle.
16. Petitioner shall signalize the intersection of the main access road and Military Trail when warranted, as determined by the County Engineer.
17. Petitioner shall signalize the intersection of the main access road and Hagan Ranch Road when warranted, as determined by the County Engineer.
18. Petitioner shall contribute Three Hundred Sixty-Eight Thousand Three Hundred Dollars (\$368,300.00) towards the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). This condition shall fulfill the developer's requirement according to the "Fair Share Contribution for Road Improvements" approved by the Board of County Commissioners on June 19, 1979.

19. The cost of implementing Conditions #11, 12 E 13 shall be credited against the impact fee required by Condition #18.
20. Petitioner shall convey to the Lake Worth Drainage District for Lateral Canal No. 28 (L-28) the North 40.00 feet of Section 2, 46/42; the North 40.00 feet of Section 3, 46/42, except an irregular parcel in the NW corner of the said Section 3; the said irregular parcel as it is shown on Sheet 94 of 240 of our Required Right-of-Way map as recorded in the Clerk's office; and the North 35.00 feet of Tracts 1 through 8 inclusive, Block 64, the Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, pages 45-54 inclusive.
For Lateral Canal No. 29 (L-29), petitioner shall convey to the Lake Worth Drainage District the South 40.00 feet of Section 2, 46/42; and the South 40.00 feet of the NW 1/4 of Section 2, 46/42.
For Equalizing Canal No. 3 (E-3), petitioner shall convey to the Lake Worth Drainage District the West 25.00 feet of the East 65.00 feet of the NE 1/4 of the NW 1/4 of Section 2, 46/42; the West 25.00 feet of the East 65.00 feet of the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 2, 46/42; and the East 25.00 feet of the West 65.00 feet of the North 120 feet of the NE 1/4 of Section 2, 46/42. The Lake Worth Drainage District will accept a Quit Claim Deed or an Easement (on our form), whichever the owner prefers.
21. Petitioner shall enter into a formal contract with the School Board of Palm Beach County to contribute four-tenths (4/10) of one percent (1%) of the selling price of each residential dwelling unit in this planned unit development on a one time initial sales basis. However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above 4/10ths of 1% of the initial sales price toward alleviating some of the development's school impact.
22. This development shall be limited to 1,327 dwelling units maximum, resulting in an ultimate gross density of two (2) dwelling units **per** acre.
23. All areas noted as civic sites on the revised Master Plan (Exhibit No. 11 on file in the Department of Planning Zoning & Building) for this development shall be dedicated to Palm Beach County without cost, for use as deemed appropriate by Palm Beach County.
24. The area of the subject property located on Military Trail and designated as a sales office site shall be used for the sale of property and units within this project only, and shall not be converted for future commercial use at any point in the future.
25. Petitioner shall provide legal access to the adjacent five (5) acre parcel owned by Donald Biele in accordance with Florida law prior to the commencement of any development on the subject site.

Commissioner Gregory, moved for approval of the petition.

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

Bill Bailey, Chairman	-	Absent
Dennis Koehler, Vice Chairman	-	Yes
Peggy Evatt, Member	-	Yes
Frank Foster, Member	-	No
Norman Gregory, Member	-	Yes

The foregoing resolution was declared duly passed and adopted this 24th day of July, 1979, confirming action of 28 June 1979.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: [Signature]
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney

