

RESOLUTION NO. R- 87-425

RESOLUTION IMPROVING ZONING PETITION 86-98, 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. 86-98 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 modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

Proposed civic site should be located in such a manner as to increase frontage on Lyons Road to enhance existing PO-Public Ownership site located adjacent to subject petition on the northwest corner.

Petitioner has agreed to participate in the proposed County School Impact Ordinance.

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, 1987, that: Petition No. 86-98, the petition of GROVETON N.V., INC. AND GENARO R. GARCIA, TRUSTEE, By William R. Boose, III, Esquire, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT, INCLUDING THE REMOVAL OF SOIL

FIND FILL MATERIALS on Tracts 33, 34, 36, 37, 38, 41, 42, 43, 44, 45, 46, 47, 48, 51, 52, 53, 54, and the West 120 feet of Tract 62, Block 24, of the Palm Beach Farms Company, Plat No. 3, in Sections 19, 20, & 29, Township 44 South, Range 42 East, as recorded in Plat Book 2, Pages 45 to 54, inclusive, less and excepting the lands conveyed to the Florida State Turnpike Authority by that certain Deed dated June 12, 1956, recorded in Deed Book 1142, Page 470, and that certain Deed dated June 7, 1960, recorded in Official Record Book 520, Page 1. Subject to: Rights-of-way to Palm Beach County for Lake Worth Road recorded in Official Record Book 873, Page 340, Official Record Book 894, Page 494, and Deed Book 905, Page 386. Rights-of-way to Lake Worth Drainage District for L-11 Canal recorded, in Deed Book 984, Page 645, and Deed Book 148, Page 480. North 45 feet of Tract 38 and the North 45 feet of Tracts 33, 34, 36 and 37 for Lake Worth Drainage District Right-of-way per Official Record Book 1732, Page 612. Area 30 feet Right-of-way North of Tracts 51 thru 54. Said property located on the north side of Lake Worth Road (S.R. 802) being bounded on the west by Jubilee Road (90th Avenue South) and being bounded on east by Florida's Turnpike (Sunshine State Parkway) and being bounded on the north by Lake Worth Drainage District Canal No. 11 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 maximum of 65% of residential land area
  - c. a minimum of 4.86 acres of land for recreational purposes
  - d. a recreation site located between Parcel A and Parcel B which includes the "existing trees"
  - e. indicate and correlate the "natural areas"\* with the site data
  - f. indicate the recreational amenities within each recreation site
2. Maximum residential density of this project shall be limited to 2.5 dwelling units per acre.

3. 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 the 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.
4. Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the subject property.
5. This development shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of permit application, but at a minimum, the developer shall retain onsite the first one (1) 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 per the County Engineer's approval. 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 for the ultimate right-of-way of:
  - a) Lyons Road, 60 feet from centerline,
  - b) Lake Worth Road, a total of 120 feet right-of-way,
  - c) Blanchette Trail, 40 feet from centerline
  - d) Within five (5) months of the final adoption of the Resolution approving this project, or when required by either the Florida Department of Transportation or Palm Beach County Engineering Department, Petitioner shall convey sufficient land from the subject property for the Ultimate Right-of-Way for the proposed Turnpike Overpass/Interchange as required by the County Engineer. At the end of the five (5) month time period, should the Florida Department of Transportation or the County Engineering Department not request the conveyance of this property, this Petitioner may notify these agencies requesting that this dedication of Rights-of-Way be made or this condition will no longer be valid after an additional One (1) month time period has lapsed. No site plans shall be approved within this affected area until the area is conveyed or it is determined at the end of the six (6) month time period that this Right-of-way is no longer needed,

All within 90 days of the approval of the Resolution approving this project.
7. The property owner shall construct the following turn lanes at the intersection of Lyons Road and the project's entrance road:
  - a) left turn lane, north approach,
  - b) right turn lane, south approach.

At the intersection of Lyons Road and Lake Worth Road::

- a) left turn lane, west approach,
- b) right turn lane, east approach,
- c) left turn lane, north approach.

All construction of the above turn lanes shall be at the time of the construction of the project's entrance road onto Lyons Road.

8. The petitioner shall provide construction plans for Lyons Road as a 4 lane median divided section (expandable to 6 lanes) from Lake Worth Road to the project's north property line plus the appropriate tapers. These construction plans shall be per the County Engineer's approval 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 twelve (12) months of Special Exception Approval. Plan costs shall be approved by the County Engineer.
9. The petitioner shall provide for the acquisition of Lyons Road right of way sixty (60) feet on an alignment approved by the county engineer as referenced in the Condition above and shall provide surety thereto. This surety is to be posted within 6 months of Special Exception approval. This Developer shall enter into a written agreement with the Land Acquisition Section within 30 days of approval or prior to the certification of the Master Plan whichever shall first occur. Included in this shall be a title search for a minimum of 25 years.
10. The property owner shall construct Lyons Road as a 2 lane section from Lake Worth Road north to the project's entrance road as listed in the condition above. This construction shall be completed within 24 months of Special Exception approval, or when required by the County Engineer for paved continuity for Lyons Road whichever shall first occur.
11. The property owner shall contribute the sum of \$20,000.00 toward Palm Beach County's street improvement program within six (6) months of the adoption of the resolution by the Board of County Commissioners.
12. The property owner shall install signalization if warranted as determined by the County Engineer at the intersection of:
  - a) Lyons Road and Lake Worth Road,Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
13. Surety required for the off-site road improvement as outlined in Condition Nos, 7 and 10, shall be posted with the Office of the County Engineer within six (6) months of adoption of the resolution by the Board of County Commissioners. The surety shall be based upon a cost estimate certified by the Petitioner's Engineer.
14. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system to accommodate the runoff of Lyons Road, Lake Worth Road and Blanchette Trail along the property frontage and for a maximum 400 ft. distance each side of the projected property boundary lines along Lyons Road, Lake Worth Road and

Elanchette Trail. 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 to accommodate the ultimate Thoroughfare Plan Section road drainage runoff.

15. 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 \$386,724.00 (4,810 trips X \$80.40 per trip).
16. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$ 260,324.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$ 647,048.00 are to be paid prior to the issuance of a building permit or prior to January 1, 1988, whichever shall first occur and this amount (\$260,324.00) shall be credited toward any traffic impact fees. Surety acceptable to the County Engineer and County Attorney's Office for the amount of \$ 647,048.00 shall be ported within six (6) months after the approval date by the Board of County Commissioners.
17. The property owner shall convey to the Lake Worth Drainage District:
  - a) the north 45 feet of Tract 33, 34, 37, 39, and 40 for the required right-of-way for Lateral Canal No. 11, and
  - b) the south 9 feet of the north 45 feet of Tract 38 for the required right-of-way for Lateral Canal No. 11 by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of adoption of the Resolution by the Board of County Commissioners.
18. In order to comply with the Mandatory Traffic Performance Standards the developer shall be limited to:
  - a) no more than 187 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 has been completed this condition will no longer apply.
  - b) No more than 281 Building Permits shall be issued until the contract has been let for the four laning of Lake Worth Road underneath the Florida Turnpike.
19. The property owner shall provide Palm Beach County with all associated right-of-way documents including but not limited to surveys, property owner's maps, legal descriptions for acquisition and parcelled right-of-way maps required for the acquisition of Lake Worth Road right-of-way from the Florida Turnpike entrance to the east limits from Petition 86-69. Included in this shall be a title search for a minimum of 25 years. These documents shall be given to the County prior to six (6) months of adoption of the resolution by the Board of County Commissioners. Credit toward any future traffic impact fees shall be given for completion of this work.

20. The property owner shall not be permitted access from the site onto Flanchette Trail.
21. Credit towards any traffic impact fees shall be given for work performed as outlined in Condition Nos. 8, 9, 10, 15, 16. and 19.
22. 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,
23. Petitioner shall dedicate the three (3) acre civic site to the School Board of Palm Beach County within six (6) months of the date of adoption of the final Resolution approving this project.
24. Petitioner shall provide surface drainage within the Planned Unit Development to accommodate the surface runoff for the school site.
25. No commercial excavation shall be permitted on the site.
26. Offsite removal of excavated material shall not be permitted on Blanchette Trail.
27. Lake excavation procedures contained in approved South Florida Water Management District permits shall be conducted in such a manner that shall minimize negative effects on drinking water in Palm Beach Ranchette Estates.
28. Trees required to be planted pursuant to Zoning Code Section 500.35.E attributable to proposed lake areas shall be planted within the required buffer adjacent to the Florida Turnpike.
29. Prior to master plan certification, the Petitioner shall submit an exact copy of all graphics presented at the Board of County Commission meeting for inclusion into the official file.
30. The twenty-five (25) foot Planned Unit Development buffer shall be left in its natural state and shall be supplemented with additional planting.
31. The petitioner shall convey to the Lake Worth Drainage District: the North 45 feet of Tracts 33, 34, 37 and the South 9 feet of the North 45 feet of Tract 38 for the required right-of-way for Lateral Canal No. 11, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of adoption of the Resolution by the Board of County Commissioners.

Commissioner Spillias, moved for approval of the petition. The motion was seconded by Commissioner Owens, 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	--	NAY
Kenneth M. Adams	--	NAY

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

PFILM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jina M. Eldering  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
County Attorney