

March 1987

RESOLUTION NO. R-87-427

RESOLUTION APPROVING ZONING PETITION 86-100, 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. 86-100 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.

Petitioner will participate in 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. 86-100, the petition of GEORGE T. ELMORE AND LELA PEARCE by William R. Boose, III, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT, INCLUDING THE REMOVAL OF SOIL AND FILL MATERIALS on Parcel 1, a tract of land in Section 24, Township 44 South, Range 41 East, described as follows: Beginning at the Northeast

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corner of the Northwest 1/4 run South along the East boundary of the Northwest 1/4 a distance of 1558.50 feet to the Point of Beginning. Thence run Westerly to a point on the West line of the East 1/2 of the Northwest 1/4 which point is 1622.50 feet South of the Northwest corner of the East 1/2 of the Northwest 1/4 thence Westerly parallel to the North line of said Section to a point on the West line of said Northwest 1/4 thence Southerly to the Southwest corner of said Northwest 1/4 thence Easterly on the South line of the Northwest 1/4 to the Southeast corner of said Northwest 1/4 thence Northerly to the Point of Beginning. Together with Parcel 2: Tracts 9, 10, 11, 12 and 13 of Block 26, Palm Beach Farms Company Plat No. 3, according to the plat thereof recorded in Plat Book 2, Pages 45 to 54, less the following described real property. Beginning at the Northeast corner of Tract 9, thence Westerly along the North line of Tract 9, 10 and 11, a distance of 1320 feet; thence Southerly parallel with the East line of said Tract 9 a distance of 330 feet; thence Easterly parallel with the North line of said Tracts 9, 10 and 11, a distance of 1320 feet; thence Northerly along the East line of said Tract 9 a distance of 330 feet to the Point of Beginning. Together with Parcel 3: The South 20 feet of Tracts 5, 6, 7 and 8 of Block 26, Palm Beach Farms Company Plat No. 3 according to the plat thereof recorded in Plat Book 2, Pages 45 to 54, together with an easement for ingress and egress over the following described real property as set forth in Official Record Book 3726, Page 1101. The North 66 feet of the South 86 feet of Tracts 5 through 8, inclusive, less the Right-of-Way of State Road 7 in Block 26, Palm Beach Farms Company Plat No. 3 according to the Plat thereof recorded in Plat Book 2, Pages 43 through 54. Together with Parcel 4: A parcel of land lying in Tracts 9, 10 and 11, Palm Beach Farms Company, Plat No. 3, according to the plat thereof, as recorded in Plat Book 2, Pages 45 through 54, inclusive, being more particularly described as follows: Beginning at the Northeast corner of Tract 9, thence

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Westerly along the North line of Tracts 9, 10 and 11, a distance of 1320 feet; thence Southerly parallel with the East line of said Tract 9, a distance of 330 feet; thence Easterly parallel with the North line of said Tracts 9, 10 and 11, a distance of 1320 feet; thence Northerly along the East line of said Tract 9, a distance of 330 feet to the Point of Beginning; less therefrom the following parcels: Beginning at the Northeast corner of Tract 9; thence Westerly along the North line of Tract 7, a distance of 48.91 feet for a Point of Beginning, said Point of Beginning being located at the intersection of the North line of said Tract 7 and the West Right-of-Way line of State Road No. 7; thence Westerly along the North line of said Tract 7, a distance of 202.67 feet to a point; thence Southerly a distance of 230 feet to a point; thence East along a line parallel to the North line of Tract 7, a distance of 188 feet to a point on the West Right-of-Way line of State Road No. 7; thence Northerly along the West Right-of-Way line of State Road No. 7, a distance of 231.25 feet to the Point of Beginning. Said property located on the west side of U.S. Highway 441 (S.R. 7), approximately .2 mile north of Lake Worth Road, Extension (S.R. 802), being bounded on the south by Lake Worth Drainage—District Lateral 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 3.2 acres of land for recreational purposes
 - d. a recreation site located in Parcel A
 - e. indicate recreational amenities within each recreation site
2. Maximum residential density of the project shall be limited to two (2) 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 formation of a

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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 as a minimum, the development shall retain onsite the first one 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 as approved by the County Engineer. 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. State Road 7, two hundred (200) feet west of the existing east right-of-way line of State Road 7 within ninety (90) days of the approval of the Resolution approving this project.
7. The property owner shall construct:
 - a. Left turn lane, south approach
 - b. Left turn lane, west approach
 - c. Right turn lane, north approach

on State Road 7 at the project's entrance road concurrent with the construction of the project's entrance road onto State Road 7.

8. The property shall provide to Palm Beach County a road drainage easement within the project's internal lake system to accommodate the runoff of State Road 7 along the project's frontage and for a maximum 400 foot distance each side of the property boundary lines along State Road 7. 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.
9. 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 \$195,372.00 (2,106 trips X \$90.40 per trip).
10. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$131,148 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$326,520 are to be paid prior to the issuance of the first building permit, or prior to January 1, 1988 whichever shall first occur. These total funds of \$326,520 are to be credited toward any traffic impact fees.

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11. Surety in the amount of \$326,520 shall be furnished to Palm Beach County prior to the issuance of a Building Permit, or within six (6) months of the approval of the resolution approving this project, whichever shall first occur. These funds shall be used for the construction of Lake Worth Road from the Florida Turnpike to State Road 7.
12. The Lake Worth Drainage District will require the south 30 feet of Tract 13 and the west 55 feet of Tracts 12 and 13 for the required right-of-way of the L11-W and the S-6 Canal by Quit Claim Deed or an Easement Deed in the form provided by said District, within ninety (90) days of the approval of the Resolution approving this project.
13. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to:
 - a) no more than 125 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 the provisions of Petition No. 84-98. Once this work is completed, this condition will no longer apply.
 - b) no more than 105 building permits shall be issued until the contract has been let for the four (4) laning of Lake Worth Road underneath the Florida Turnpike.
14. The property owner shall install signalization if warranted as determined by the County Engineer at the project's entrance road and State Road 7. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, this property owner shall be relieved from this condition. Surety acceptable to the County Engineer shall be posted within twelve (12) months of final adoption of the Resolution approving this project.
15. The petitioner shall convey to the Lake Worth Drainage District the west 55 feet of Tracts 12 and 13 for the required right-of-way for Canal No. S-6, 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.
16. 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, or technical compliance approvals, or building permits shall be issued provided, however, that this Petitioner may avoid this action by posting the full amount of the 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.
17. The Petitioner shall convey to the Board of County Commissioners the 2.47 acre governmental services site for required fire/rescue services in this area. The conveyance shall be by warranty deed within nine (9) months of final adoption of the Resolution approving this project.

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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	--	ABSENT
Kenneth M. Adams	--	ABSENT

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

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN D. DUNKLE, CLERK

BY: *Jane M. Eldridge*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

JM
County Attorney

FILED THIS *24th* DAY OF
March 19*87*

AND RECORDED IN

MINUTE BOOK NO. AT

PAGE RECORD VERIFIED

JOHN D. DUNKLE, CLERK

BY: *Jane M. Eldridge*

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