

RESOLUTION NO. R- 87-505

- RESOLUTION APPROVING ZONING PETITION 85-162(A):
Modification of Commission Requirements

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. 85-162(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 1, 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. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 31ST day of March, 1987, that: Petition No. 85-162(A), the petition of BERNARD GLASSMAN AND STEVEN GLASSMAN, TRUSTEES, By Alan Ciklin, Attorney, for a MODIFICATION OF COMMISSION REQUIREMENTS TO AMEND AND/OR DELETE THE FOLLOWING CONDITIONS PLACED ON ZONING PETITION NO. 85-162, APPROVED JANUARY 3, 1986:

CONDITION NO. 5 STATES:

"5. The property owner shall convey for the ultimate right-of-way for:

- a) Boynton Beach Boulevard, 120 feet north of the north right-of-way line of the L-24 Canal.
- b) The construction of a separate right turn lane at each of the project's entrances. This right-of-way shall be in addition to the 12 foot right-of-way and shall be for a minimum of 150 feet long and 12 feet wide and a taper length of 180 feet long, within 90 days of adoption of the Resolution by the Board of County Commissioners; all conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit. "

REQUEST: AMEND CONDITION NO. 5 TO READ:

"5. The property owner shall convey for the ultimate right-of-way for:

- a) Boynton Beach Boulevard, 120 feet North of the North right-of-way line of the L-24 Canal. Said right-of-way shall be dedicated with the recordation of the first plat, or upon request by the County Engineer's office, whichever first occurs. All conveyances must be accepted by Palm Beach County prior to issuance of the first building permit. "

CONDITION NO. 9 STATES:

"9. Based on the Traffic Performance Standards (Category "A"), the Developer shall make roadway improvements in an amount as follows:

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<u>Amounts</u>	<u>Maximum</u>
5100,000 to be paid prior to June 1, 1986	400 "

REQUEST: AMEND CONDITION NO. 9 TO READ:

"9. Based on the Traffic Performance Standards (Category "A") the Developer shall pay an additional \$479,098.00. The total amount of \$1,400,000 shall be paid as follows: \$100,000 shall be paid within 30 days upon request of the County Engineer's office and the balance shall be paid on or before January 1, 1988. The entire amount shall be guaranteed by acceptable surety. "

CONDITION NO. 11 STATES:

"11. The petitioner shall convey to the Lake Worth Drainage District:

a) The North 80.00 feet of the South Half (S 1/2) of that portion of Sections 22 and 23 lying within the boundaries of the subject property for the required right-of-way for Lateral Canal No. 23 (L-23), and

b) A parcel eighty (80) feet in width lying immediately south of and continuous to the South right-of-way line of Boynton West Road for the required right-of-way for Lateral Canal No. 24 (L-24), and

c) The South ten (10) feet of Tract 41, P. B. 6, P. 26, for the required right-of-way for Lateral Canal No. 25 (L-25), and

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d) The Weet twenty-five (25) feet of the East sixty-five (65) feet of that part of the East Half (E 1/2) of Section 23 within the boundaries of the subject property and the East ten (10) feet of Tracts 41 to 48 inclusive per P. B. 6, P. 26, for the required right-of-way for Equalizing Canal No. 3 (E-3),

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. "

REQUEST: TO DELETE CONDITION NO. 11.

CONDITION NO. 14 STATES:

"14. The petitioner shall dedicate the civic site to the Board of County Commiseionere per P. U. D. requirements. "

REQUEST: TO DELETE CONDITION NO. 14.

CONDITION NO. 15 STATES:

"15. The petitioner shall place the civic site in a location where expansion of additional land can be added to make a more usable site for a combination park and school site. "

REQUEST: TO DELETE CONDITION NO. 15.

CONDITION NO. 16 STATES:

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"16. The petitioner shall meet with the County School Board, Parks and Recreation Department to coordinate efforts in the

establishment of a school/public recreational area. This shall be done within one year of Commission approval. "

REQUEST: TO DELETE CONDITION NO. 16.

CONDITION NO. 17 STATES:

17. a) 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, parcelled right-of-way maps, required for the acquisition of Boynton Beach Boulevard a total of 120 feet right-of-way ultimate section from Military Trail west to a point 200 feet west of El Clair Ranch Road plus the appropriate tapers per the County Engineer's approval.

The right-of-way shall be obtained within 12 months of Special Exception approval or prior to the issuance of 100 building permits, whichever shall first occur. This property owner shall enter into a written agreement with the Land Acquisition Section within 30 days of Special Exception approval for which this property owner shall fund all costs for this right-of-way acquisition.

- b) The property owner shall construct Boynton Beach Boulevard from the proposed 4-lane terminus west of Military Trail west to a point 200 feet west of El Clair Ranch Road plus the appropriate paved tapers per the County Engineer's approval as a 4-lane median divided section (expandable to 6 lanes with all drainage sized and placed to accommodate the ultimate 6

lane section) per Palm Beach County's approved construction plans. This construction shall include a 6-lane ultimate structure over the E-3 Canal as approved by the County Engineer and the Lake Worth Drainage District. This construction shall be completed within 30 months of Special Exception approval or prior to issuance of 500 building permits, whichever shall first occur. Credit for the impact fee shall be given for this road construction as outlined in Conditions 17(a), 17(b) and 9.

Should government or other third parties construct (or be constructing) this section of Boynton Beach Boulevard within this 30 month period, this developer shall make available to Palm Beach County that equivalent amount of monies, certified by a signed and sealed estimate by a registered professional engineer, necessary to satisfy this construction of Boynton Beach Boulevard. Monies shall be made available within 90 days notification by the Office of the County Engineer. The intent of the use of these monies will be for the construction of Military Trail from Hypoluxo Road to Old Boynton Beach Boulevard.

Surety required for this offsite road improvement (s) as outlined in Conditions 17(a) and 17(b) shall be posted with the Office of the County Engineer prior to the issuance of 300 building permits or prior to July 1, 1986, whichever shall first occur. "

REQUEST: TO DELETE CONDITION NO. 17.

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Said property located on the north and south sides of Boynton Beach Boulevard (S.R. 8041, being bounded on the east by Lake Worth Drainage District Equalizing Canal No. 3 and on the north by the Boynton Canal in a RTS-Residential Transition Suburban District was approved as advertised subject to the following conditions:

1. Condition No. 9 of Petition No. 85-162 which states:

"9. Based on the Traffic Performance Standards (Category "A"), the developer shall pay roadway improvements in an amount as follows:

<u>Amount</u>	<u>Buildina Permits Maximum</u>
9100,000 to be paid	400
prior to June 1, 1986	

is hereby amended to state:

"9. Based on the Traffic Performance Standards (Category "A"), the developer shall pay an additional \$479,098.00. These total funds of 91,400,000.00 shall be paid as follows: 9100,000.00 shall be paid within 30 days of the approval of the Resolution by the Board of County Commissioners. The remaining 91,300,000.00 shall be paid prior to January 1, 1988. The total amount of 91,400,000.00 shall be guaranteed by Surety acceptable to the County Engineer and the County Attorney's Office within thirty (30) days of adoption of the Resolution approving this project."

2. Condition No. 11 of Petition no. 85-162 which states:

"11. The petition shall convey to the Lake Worth Drainage District:

- a) The North 80.00 feet of the South Half (S 1/21 of that portion of Sections 22 and 23 lying within the boundaries of the subject property for the required right-of-way for Lateral Canal No. 23 (L-231, and
- b) A parcel eighty (80) feet in width lying immediately South of and continuous to the South right-of-way line of Boynton West Road for the required right-of-way for Lateral Canal No. 24 (L-241, and
- c) The South ten (10) feet of Tract 41, P. B. 6, P. 26, for the required right-of-way for Lateral Canal No, 25 (L-25), and
- d) The West twenty-five (25) feet of the east sixty-five (65) feet to that part of the East Half (E 1/21 of Section 23 within the boundaries of the subject property and the East ten (10) feet of Tracts 41 to 48 inclusive per P. B. 6, P. 26, for the required right-of-way for Equalizing Canal No. 3 (E-31,

by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of

shall be obtained within 12 months of Special Exception approval or prior to the issuance of 100 building permits whichever shall first occur. This property owner shall enter into a written agreement with the Land Acquisition Section within 90 days of Special Exception approval for which this property owner shall fund all cost for this right of way acquisition.

- B. The property owner shall construct Boynton Beach Boulevard from the proposed 4 lane terminus west of Military Trail west to a point 200 feet west of El Clair Ranch Road plus the appropriate paved tapers per the County Engineer approval as a 4 lane median divided section (expandable to 6 lanes with all drainage sided and placed to accommodate the ultimate 6 lane section) per Palm Beach County approved construction plans. This construction shall include a 6 lane ultimate structure over the E-3 Canal as approved by the County Engineer and the Lake Worth Drainage District. This construction shall be completed within 30 months of Special Exception approval or prior to issuance of 500 building permits whichever shall first occur.

Credit for the Impact Fees shall be given for this road construction as outlined in conditions 17(a), 17(b) and 9. Should government or other third parties construct or be constructing this section of Boynton Beach Boulevard within this 30 month time period this developer shall make available to Palm Beach County that equivalent amount of money, certified by a registered professional engineer, necessary to satisfy this construction of Boynton Beach Boulevard. Money shall be available within 90 days notification by the office of the County Engineer. The intent of the use of these monies will be for the construction of Military Trail from Hypoluxo Road to Old Boynton Beach Boulevard. Surety required for this offsite road improvement as outlined in conditions 17(a), and 17(b) shall be posted with the office of the County Engineer prior to the issuance of 300 building permits or prior to July 1, 1986 whichever shall first occur.

is hereby deleted.

7. The petitioner shall amend the master plan to reflect access to the outparcel (to the northwest corner of the subject parcel) subject to approval by the County Engineer.
8. The petitioner shall submit a traffic impact analysis subject to approval by the County Engineer to reflect that an eighty (80) foot right-of-way for the interior loop road is not required or revise the master plan accordingly.


Commissioner Adams, moved for approval of the petition. The motion was seconded by Commissioner Wilken, and upon being put to a vote, the vote was as follows:

Karen T. Marcus -- AYE
Jerry L. Owens -- AYE
Carol Roberts -- AYE
Dorothy Wilken -- AYE
Kenneth M. Adams -- AYE


The foregoing resolution was declared duly passed and adopted this 31ST day of March, 1987 confirming action of December 1, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



County Attorney

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