

RESOLUTION NO. R-88-1214

RESOLUTION APPROVING **ZONING PETITION NO. 86-25(A)**
SPECIAL EXCEPTION PETITION OF ARET 2 CORPROATION

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, **Petit ion No. 86-25(A)** was presented to the Board of County **Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing** conducted on **July 24, 1987;** 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 **agenc ies** and the recommendat ions of the **Planning Commission;** and

WHEREAS, **this approval is** subject to **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** 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, that **Petition No. 86-25(A) the petition** of **ARET 2 CORPROATION,** for a **SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR A PLANNED UNIT DEVELOPMENT INCLUDING A CHILD DAY CARE FACILITY AND AN EDUCATIONAL INSTITUTION PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 86-25 ON FEBRUARY 27, 1986 (R-86-640, ADOPTED MAY 13, 1986)** TO ADD FOUR (4) UNITS on a **parcel of land lying in Section 16, Township 45 South, Range 42 East, lying in Blocks 40, 41, and 47, Palm Beach Farms Co., 'Plat No. 3,** as recorded in **Plat Book 2, Page 49; said parcel of land being more particularly described as follows: Commencing at a point in the West Line of Tract 9, of said Block 40, said point, being 30.00 feet Southerly** from the Northwest corner of said Tract 9; thence, South 00 degrees 44' 33" West, **along said West line, a distance of 30.00 feet;** thence, South 89 degrees 07 ' 20" East, **along a line parallel with and 60.00 feet South of (as measured at right angles to) the North line of said**

Tract 9, a distance of 29.00 feet; thence, South 00 degrees 44' 33" West, parallel to the West line of said Block 40, a distance of 89.87 feet to the Point of Curvature of a Curve concave to the Northeast having a radius of 1484.82 feet; thence, Southerly and Southeasterly along the arc of said curve through a central angle of 27 degrees 44' 33", a distance of 718.94 feet to the Point of Tangency; thence, South 27 degrees 00' 00" East, a distance of 150.00 feet to the Point of Curvature of a curve concave to the West having a radius of 1801.46 feet; thence, Southeasterly, Southerly and Southwesterly along the arc of said curve, through a central angle of 54 degrees 30' 00", a distance of 1713.56 feet to the Point of Tangency; thence, South 27 degrees 30' 00" West, a distance of 349.99 feet; thence, South 17 degrees 30' 00" East, a distance of 35.36 feet; thence, South 27 degrees 30' 00" West, along a line radial to the next described curve, a distance of 80.00 feet to the radial intersection of previously said curve and the Point of Beginning; said curve being concave to the Southwest, having a radius of 560.00 feet; thence, Southeasterly along the arc of said curve, through a central angle of 13 degrees 30' 00", a distance of 131.95 feet to the Point of Tangency; thence, South 49 degrees 00' 00" East, a distance of 829.99 feet to the Point of Curvature of a curve concave to the North having a radius of 1100.00 feet; thence, Southeasterly, Easterly and Northeasterly along the arc of said curve through a central angle of 73 degrees 07' 53", a distance of 1404.02 feet to the Point of Reverse Curvature of a curve concave to the Southeast having a radius of 260.00 feet; thence, Northeasterly and Easterly along the arc of said curve through a central angle of 33 degrees 07' 53", a distance of 150.35 feet to the Point of Tangency; thence, south 89 degrees 00' 00" East, a distance of 712.70 feet; thence, South 42 degrees 54' 48" East, a distance of 36.02 feet to the intersection with the East line of Tract 54 of said Block 40; thence, South 03 degrees 10' 25" West, along said East line of Tract 54 and its Southerly extension, a distance of 323.27 feet to an intersection with the centerline of that certain 30.00 foot wide road Right-of-Way abandoned under Official Record Book 2213, Page 967, lying between Tracts 54 and 55 of said Block 40; thence, South 05 degrees 06' 20" West, along the East line of said Tract 55, a distance of 315.42 feet to an intersection with the Right-of-Way of Jog Road; thence, North 84 degrees 53' 40" West, along said Right-of-Way, a distance of 55.00 feet to the radial intersection with the arc of a curve concave to the Northwest having a radius of 2440.00 feet; thence, Southerly and Southwesterly, along the arc of said curve through a central angle of 27 degrees 03' 52", a distance of 1152.56 feet to the intersection on the Northerly line of Tract 1, of said Block 47, as shown on said Palm Beach Farms Co., Plat No. 3; thence, North 88 degrees 32' 03" West, along the Northerly line of said Tract 1 and its Westerly extension thereof, a distance of 2371.30 feet to an intersection with the Easterly line of Tract 64 of said Block 40; thence, South 05 degrees 07' 22" West, along said East line of Tract 64 and its Southerly extension, a distance of 188.92 feet; thence, South 01 degree 41' 22" West, to

the Northerly line of Lake Worth Drainage District Lateral Canal 20 (as laid out and in use), a distance of 66.04 feet; thence, North 88 degrees 16' 52" West, along the Northerly line of said Lake Worth Drainage District Lateral Canal 20 (as laid out and in use), a distance of 523.13 feet; thence, North 00 degrees 44' 33" East, along a line which is 296.00 feet West of and parallel with the centerline of that certain 50.00 foot wide road Right-of-Way (abandoned) lying between Blocks 40 and 41, as shown on said Plat of Palm Beach Farms Co., Plat No. 3, a distance of 1321.67 feet to the Point of Curvature of a curve concave to the Southeast having a radius of 2157.37 feet; thence, Northerly and Northeasterly along the arc of said curve through a central angle of 26 degrees 45' 27", a distance of 1007.50 feet to the Point of Tangency; thence, North 27 degrees 30' 00" East, a distance of 349.99 feet; thence, North 72 degrees 30' 00" East, a distance of 35.36 feet to the Point of Beginning, located on the west side of Jog Road, approximately .7 miles south of Hypoluxo Road and is bounded on the south by the Lake Worth Drainage District Lateral Canal 20, in an RTS-Residential Transitional Suburban Zoning District, was approved as advertised, subject to the following conditions:

1. **The developer shall comply with all previous conditions of approval unless expressly modified herein.**
2. **Prior to master plan certification by the Site Plan Review Committee, the master plan shall be amended to indicate the following:**
 - a. Required number of trees.
3. **Since sewer service is available at the site, septic tank shall not be approved for use on said property,**
4. **Since public water service is available to the property, a well shall not be approved for use on said property.**
5. **Condition No. 6 of Zoning Petition No. 86-25 (R-86-640) which states:**
 - "6. The property owner shall convey for the ultimate right-of-way of:
 - a) **Jog Road, a total of 120 foot of right-of-way per Road Book 4, Page 136,**
 - b) **Hagen Ranch Road, 54 feet from centerline,**
 - c) **the additional right-of-way for the construction of a right turn lane, north approach on Jog Road at the project's entrance road. This right-of-way shall be**

for a **minimum of 12 foot in width, 150 feet in length plus** the appropriate tapers per the County Engineers approval.

all within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first building Permit."

is hereby amended to read:

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

a) **Jog Road, a total of 120 foot of right-of-way per Road Hook 4, Page 136,**

b) the **additional right-of-way** for the **construction** of a **right turn lane**, north approach on **Jog Road** at the **project's entrance road. This right-of-way shall be for a minimum of 12 foot in width, 150 feet in length plus the appropriate tapers per the County Engineers approval.**

all within ninety (90) days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit."

6. **Condition No. 9 of Zoning Petition No. 86-25 (R-86-640), which states:**

"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 exist5 or as it may from time to time be amended. The Fair Share Fee for this project presently is:**

a) **3, 135 trips X \$80.40 per trip = \$252,054.00 (residential)**

b) **138 trips X \$26.79 per trip = \$3,697.00 (non residential private school).**

Based on the **Traffic Performance Standards (Category "B")**, the **developer shall contribute an additional \$63,938.00** toward Falm Beach County's **existing Roadway Improvement Program, these total funds of \$319,689.00 to be paid prior to July 1, 1987 either in cash or by a Letter of Credit which can be called upon when 30 day notification is**

given to the property owner.

If the "Fair Share Contribution for Road Improvements Ordinance" **is** amended to **increase** the Fair Share Fee, **this additional** amount of **\$63,938.00 shall** be **credited** toward the increased Fair Share Fee."

is hereby amended to read:

"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:**

- a) **2,797 trips X 880.40 per trip = \$224,879.00 (residential)**
- b) **138 trips X 826.79 per trip = \$3,697.00 (non residential private school).**

Based on the Traffic Performance Standards (Category "B"), the developer **shall** contribute an **additional \$57,144.00** toward Palm Beach County's **existing** Roadway Improvement Program, these **total** funds of **\$285,720.00 to be paid** prior to **July 1, 1988** or prior to **adoption of** the Master **Plan** **whichever shall first occur either in cash or** by a Letter of **Credit which** can be **called** upon when 30 day **notification is given** to the property owner.

If the "Fair Share Contribution for Road Improvements Ordinance" **is** amended to **increase** the **Fair Share** Fee, **this additional** amount of **\$57,144.00 shall** be **credited** toward the **increased** Fair Share Fee."

Commissioner Marcus, 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**:

Carol A. Roberts -- Aye
Carol J. Elmquist -- **We**
Karen T. Marcus -- We
Dorothy **Wilken** -- **We**
Kenneth M. Adams -- Aye

The foregoing resolution was declared duly passed and adopted **this 9th day of August, 1988** confirming action of July 24, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, **FLORIDA**
BY ITS **BOARD OF COUNTY**
COMMISSIONERS

JOHN B. DUNKLE, **CLERK**

BY:


DEPUTY CLERK

