

RESOLUTION NO. R-89-1156

RESOLUTION APPROVING ZONING PETITION NO. 80-215(B)  
SPECIAL EXCEPTION PETITION OF SEAGRASS PROPERTIES, INC.

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. 80-215(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 29, 1988; 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, 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. 80-215(B) the petition of SEAGRASS PROPERTIES, INC., by Robert E. Basehart, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR GLEN EAGLES PLANNED UNIT DEVELOPMENT (PETITION NO. 80-215) TO INCREASE ACREAGE on a parcel of land situated in Sections 21, 27 and 28, Township 46 South, Range 42 East, a portion thereof being a portion of the Palm Beach Farms **Company's** Plat No. 1, as recorded in Plat Book 2 on pages 26 through 28, being more particularly described as follows: Commencing at the Northwest corner of the Northeast 1/4 of said Section 21, thence South 01 degrees 54' 37" East along the West line of said Northeast 1/4 a distance of 34.05 feet to the Southerly Right-of-way line of West Atlantic Avenue (SR 806) and the Point of Beginning. From the Point of Beginning, thence North 89 degrees 18' 11" East along said Right-of-way line, a distance of 1342.25 feet to the East line of the West 1/2 of the East 1/2 of said Section 21; thence South 02 degrees 05' 51" East along said East line, a distance of 5297.49 feet to the South line of said Section 21; thence North 89 degrees 02' 12" East along said South line a distance of 1359.44 feet to the Southeast corner of said Section 21; thence North 89

degrees 19' 17" East along the North line of the aforementioned Section 27, a distance of 1337.86 feet to the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of said Section 27; thence South 00 degrees 33' 27" East along the East line of the Northwest 1/4 of the Northwest 1/4 of said Section 27, a distance of 1958.67 feet to the Northwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 27; thence North 89 degrees 19' 01" East along the North line of the Southeast 1/4 of the Northwest 1/4 of said Section 27, a distance of 662.44 feet to the Northeast corner of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of said section; thence South 00 degrees 17' 02" East along the East line of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of said section, a distance of 683.06 feet to the Northwest corner of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of said section; thence North 89 degrees 21' 52" East along the North line said Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4, a distance of 619.58 feet to a point on the West Right-of-way line of a 120 foot wide Right-of-way for Jog Road (said Right-of-way being centered on the East line of the West 1/2 of said Section 27); thence South 00 degrees 34' 55" East along said West line, a distance of 675.00 feet to the South line of the North 1/2 of said Section 27; thence South 89 degrees 18' 45" West along said South line, a distance of 2618.11 feet to the Southwest corner of the Northwest 1/4 of said Section 27; thence South 89 degrees 01' 23" West along the South line of the North 1/2 of the aforementioned Section 28, a distance of 1350.92 feet to the East line of the West 1/2 of the East 1/2 of said Section 28; thence South 00 degrees 42' 42" East along said East line, a distance of 2718.59 feet to the South line of said Section 28; thence South 88 degrees 58' 35" North along said South line, a distance of 1342.41 feet to the Southeast corner of the Southwest 1/4 of said Section 28; thence continuing along said South line South 88 degrees 58' 35" West a distance of 2684.82 feet to the Southwest corner of said Section 28; thence North 00 degrees 53' 09" North along the West line of said Section 28, a distance of 2721.84 feet to the Northwest corner of the Southwest 1/4 of said Section 28; thence continuing along said West line, North 00 degrees 53' 09" West a distance of 2721.84 feet to the Northwest corner of said Section 28; thence North 01 degrees 52' 26" West along the West line of the aforementioned Section 21, a distance of 2675.20 feet to the Northwest corner of the Southwest 1/4 of said Section 21; thence continuing along said West line, North 01 degrees 52' 26" West a distance of 656.31 feet to the North line of Tracts 49-54, Block 21 of the Palm Beach Farms Company's Plat No. 1, as recorded in Plat Book 2, pages 26 through 28; thence North 89 degrees 08' 23" East, departing from said section line and running along said tract line a distance of 2682.20 feet to the West line of the Northeast 1/4 of said Section 21; thence North 01 degrees 54' 37" North, along said West line of the Northeast 1/4 of Section 21, a distance of 1973.61 feet to the Point of Beginning, being located on the south side of Delray West Road (SR 806) and bounded on the east by Jog Road and on the west by Florida's Turnpike, in a RTS-Residential Transitional Suburban Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous

conditions of approval, unless expressly modified herein.

2. Condition No. 13 of Zoning Petition No. 80-215(A), Resolution No. R-84-164, which presently states:

"13. The property owner shall reserve the civic site for dedication, at no cost, to Palm Beach County, for a period of five years. If, after 5 years, the County has not requested dedication of this site, the developer may develop the civic site for any use permitted within the civic site designation."

is hereby amended to read:

"The petitioner shall:

- A. Dedicate by fee simple title deed to Palm Beach County 2% of the gross area of the Planned Unit Development (21.4 acres). This land shall be located in the southeast corner of the intersection of Linton Boulevard and the E-2 1/2 Canal; or,
- B. The petitioner may exchange the required on-site dedication of land for civic uses either for a parcel of land off-site equal in acreage or cash of equal value. In addition, in the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of the on-site land dedication shall be based upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of Zoning Code Section 500.21.H.

Prior to master plan certification, the petitioner shall submit:

- a. A master plan showing the location of a 21.4 acre civic site within the Planned Unit Development: or
- b. Documentation, subject to approval by the County Attorney, indicating compliance with and acceptance of this contribution, as described in Condition 2. B, by the Board of County Commissioners.

If the civic site contribution is approved and accepted, the petitioner shall submit a revised master plan to the Site Plan Review Committee to redesignate

the area labeled as Civic Site to a Residential Land Use for Category A or B units."

3. The total dwelling units of the Planned Unit Development shall not exceed 2,460 dwelling units.
4. The mature slash pine overstory and cypress shall be preserved and incorporate into the final site design to the maximum extent possible. Prior to issuance of a Vegetation Removal Permit, the petitioner shall schedule a preclearing inspection with representatives from the Zoning division and Environmental Resource Management to finalize the preservation plan.
5. The use of the structure, within the open space tract, located near the eastern entrance to Jog Road shall be limited to a recreational clubhouse facility. The facility may be temporarily used for real estate sales subject to the following:
  - A. All real estate sales shall be limited to properties located within the boundaries of Gleneagle/Club West Polo Club, Planned Unit Development;and
  - B. Concurrent with the submittal of the final principal building structure permits, the sales office use shall either be converted to a recreational clubhouse, be removed or demolished.
6. All property included in the legal description or this zoning 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 following: Formation of a single "master" property owners' association, and automatic membership in the "master" property owners' association by any party holding title to any portion of the property included in the planned unit development.
7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. The petitioner shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval

from the Florida Department of Transportation will also be required. 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 as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

10. The petitioner shall construct at the project's entrance road and Jog Road:
  - a) left turn lane, south approach
  - b) left turn lane, west approach
  - c) right turn lane, west approach

concurrent with onsite paving and drainage improvements. Construction shall be completed concurrent with the construction of the project's entrance road onto Jog Road.

11. The petitioner shall convey to Palm Beach County within 90 days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Jog Road, Linton Boulevard along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Jog Road and Linton Boulevard. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.
12. The petitioner 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.
13. The petitioner shall convey to the Lake Worth Drainage District the:
  - a) North 75 feet of the west 1,338 feet of Section 27 Township 46 South Range 42 East and the north 75 feet of the east 1,360 feet of Section 28, Township 46 South, Range 42 East for the required right-of-way for Lateral Canal No. 36; and,All 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.
14. The petitioner shall provide construction plans for Jog Road as a 4/6 lane median divided section as determined

by the County Engineer, from a point 250 feet north of Atlantic Avenue, to a point 150 feet south of the project's entrance road, plus the appropriate paved tapers. These construction plans shall be approved by the County Engineer 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 prior to December 1, 1989. Plan costs shall be approved by the County Engineer.

15. The petitioner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parcelled right-of-way maps required for the construction of Jog Road and for the Linton Boulevard and Jog Road Intersection as referenced above and subject to the approval of the County Engineer including expanded intersections. These documents shall include a title search for a minimum of 25 years.
16. The property owner shall construct Jog Road from north of West Atlantic Avenue to a point 150 feet south of the project's entrance road onto Jog Road as a 4-lane median divided section plus any appropriate expanded intersections and appropriate paved tapers as determined by Palm Beach County. All construction shall be commenced within 2 months of right of way acquisition or prior to July 1, 1990, whichever shall first occur and shall be completed within 1 year of commencement. Funding shall be as follows:
  - a. The petitioner shall fund the construction of Jog Road as a 4 lane median divided section from the north right-of-way line of Linton Boulevard south to a point 150 feet south of the project's entrance road.
  - b. Palm Beach County shall reimburse the developer for the costs of design and construction for the portion of Jog Road from north of Linton Boulevard to West Atlantic Avenue. Funds for this construction shall be obtained from Palm Beach County's 5 year road program. These monies shall be made available to the developer in the Fiscal Year 1992/1993. Monies made available to the developer shall be based upon approved construction contracts and/or certified costs estimates and subject to approval by the County Engineer. Prior to March 31, 1989, the developer shall enter into a roadway reimbursement agreement with Palm Beach County. Should this agreement not be executed by the appropriate parties Palm Beach County may revisit this Development. During this time period, Palm Beach County may withhold any and all development

approvals, including but not limited to building permits and plat approvals.

17. Surety required for the offsite road improvements as outlined in the above four (4) conditions shall be posted with the Office of the County Engineer prior to July 1, 1989.
18. The petitioner shall upgrade signalization as warranted by the County Engineer at Jog Road and Linton Boulevard and at the intersection of Jog Road and project's entrance road.
20. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.
21. The property owner shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
22. The Developer agrees to acknowledge the future construction of Linton Boulevard west of Legends Way on Homeowners Documents for this project.
23. Condition Number 5 of Zoning Petition Number 80-215(A), Resolution No. R-84-164, which presently states:

"5. Petitioner shall construct Linton Boulevard from the project's east entrance to the project's west property line before the completion of 1,845 dwelling units (75% of the total 2,460 dwelling units) or within twelve (12) months of notification by the County Engineer to provide continuity for Linton Boulevard."

is hereby deleted.

24. Condition No. 8 of Zoning Petition No. 80-215(A), Resolution No. R-84-164 which presently states:

"8. Petitioner shall construct at the intersection of Linton Boulevard and the project's west entrance concurrent with the construction of the project's west entrance onto Linton Boulevard:

- a. left turn land, north approach
- b. right turn lane, south approach
- c. left turn lane, east approach
- d. right turn lane, east approach

- e. signalization when warranted as determined by the County Engineer."

is hereby deleted.

- 25. Condition Number 4 of Zoning Petition Number 80-215(A), Resolution No. R-84-164, which presently states:

"4. Petitioner shall construct Linton Boulevard from Jog/Carter Road to the project's east entrance, per the County Engineer's approval, before the completion of 1,230 dwelling units (50% of the total 2,450 dwelling units) or within twelve (12) months of notification by the County Engineer to provide continuity for Linton Boulevard."

is hereby amended to read as follows:

"Petitioner shall complete the construction of Linton Boulevard from Jog/Carter Road to a point 150 feet west of Legends Way per the County Engineer's approval (2/3 Lane Section). All construction shall be commenced within two (2) months of right-of-way acquisition or prior to July 1, 1990, whichever shall first occur and shall be completed within one (1) year of commencement. This construction shall be concurrent with Jog Road construction."

- 26. The property owner shall dedicate 220 feet south of the north right-of-way for both Linton Boulevard and the Lake Worth Drainage District L-36 Canal, to Palm Beach County prior to March 1, 1989. This alignment shall be approved by the County Engineer.



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

Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 13th day of June, 1989 confirming action of December 29, 1988.

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

