

RESOLUTION NO. R-89- 2215

RESOLUTION APPROVING ZONING PETITION NO. 87-7(A)  
SPECIAL EXCEPTION PETITION OF CENVILL TRAINING CENTER

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 have been satisfied; and

WHEREAS, Petition No. 87-7(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 29, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-7(A) the petition of CENVILL TRAINING CENTER, Robert E. Basehart, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT, INCLUDING A RECREATION FACILITY AND CLUB, AND TO PERMIT AN EXISTING PRIVATE HELIPORT on a parcel of land lying on a parcel land situate within Section 20, Township 46 South, Range 42 East, Palm Beach County, Florida and lying within Block 20, Palm Beach Farms Company Plat No.1, Palm Beach County, Florida. As recorded in Plat Book 2 at pages 26 through 28 of the Public Records of said Palm Beach County, and being more particularly described as follows:

Being all of Tracts 107 through 118, inclusive: Together with: The West 33.22 feet of Tracts 106 and 119: Less and Excepting: The West 40.00 feet of Tracts 112 and 113. Said land being deeded to the County of Palm Beach by that certain deed dated September 11, 1968 and recorded in Official Record Book 1676, at page 926, of the Public Records of said Palm Beach County, being located on the southeast corner of the intersection of First Street (One Mile Road) and Myrtle Street and bounded on the east by Florida's Turnpike (Sunshine State Parkway), in the AR-Agricultural Residential Zoning District, was approved on June 29, 1989, as advertised, subject to the following conditions:

1. 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 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 PUD.
2. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system and water supply system.
3. Since sewer and water service are available to the property, septic tank and well shall not be approved for use on said property.
4. Prior to Master Plan Certification, the petitioner shall:
  - a. Dedicate the civic site by unencumbered fee simple title deed to Palm Beach County, 2% of the gross area of the Planned Unit Development (8.0 acres); 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 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.
5. The open space areas, created by the configuration of the development pods shall be limited to open pasture land for grazing of horses, including area for horseback riding and passive recreation.
6. The PUD shall be limited to 300 dwelling units, a club house with recreation facilities, 12 guest rooms, pasture/grazing land, an equestrian center (101.5 ac) and civic site. The guest rooms in the clubhouse shall be limited to guests of residents that live in the Planned Unit Development.
7. The Developer 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 first one inch of stormwater runoff. In the event that the subject site abuts a Florida 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.

8. The Property owner shall convey **for** the ultimate right-of-way of:
  - a. Linton Boulevard, a total of **120** feet on an alignment approved by the County Engineer;
  - b. Lyons Road, **55** feet from centerline; and,
  - c. the additional right-of-way required for the Turnpike Overpass and expanded intersections at Lyons Road and Linton Boulevard.

All within **180** days of the approval of the Resolution approving this project.

9. The Property owner shall provide to Palm Beach County a road drainage easement which **is** adjacent to the property within the project's internal lake system capable of accommodating all runoff from those segments of Lyons Road and Linton Boulevard along the property frontage and for a maximum **400** ft. distance each side of the property boundary lines along Lyons Road and Linton Boulevard. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable Drainage District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff.
10. The Developer 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 **\$281,641.00** (3,503 trips X **\$80.40** per trip). Based on the Traffic Performance Standards (Category "**B**"), the developer shall contribute an additional **\$70,410.00** toward Palm Beach County's existing Roadway Improvement Program. Any funds remaining after receiving credit for work performed in accordance with condition nos. **7, 12, 13, 14, 15, 16, 17** and **18** from the total **\$352,051.00** to be paid prior to June **1, 1990**. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of **\$70,410.00** shall be credited toward the increased Fair Share Fee.
11. The petitioner shall convey to the Lake Worth Drainage **District:**
  - a. The north **50** feet of Tracts **4-16**, Block **29** Palm Beach Farms Plat **No. 1**, P.B. **2**, pages **27** and **28** for Right-of-way for Lateral Canal **No. 36**;

- b. The south 15 feet of Tracts 49-62, Block 29, Palm Beach Farms Plat No. 1, P.B.2, pages 27 and 28 for Right-of-way for Lateral Canal No. 37; and,
- c. A parcel of land 40 feet in width lying immediately west of and adjacent to the west Right-of-way line of E-2W Canal bounded on the north by L-36 Canal and bounded on the south by L-37 Canal for Right-of-way of Equalizing Canal No. 2-ti.

All of these conveyances shall be 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.

- 12. The Property owner shall provide construction plans for Lyons Road as an ultimate 110 foot section from West Atlantic Avenue to the project's south property line plus the appropriate 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 provided by December 1, 1990. Plan costs shall be approved by the County Engineer.
- 13. The petitioner shall provide for the acquisition by funding the right-of-way for Lyons Road a total of 54 feet on an alignment approved by the County Engineer from Linton Boulevard to West Atlantic Avenue. This developer shall enter into a written agreement with the Right of Way Acquisition Section within 10 days of the approval of the Resolution approving this project or prior to the certification of the Master Plan whichever shall first occur.
- 14. The property owner 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 Lyons Road right-of-way as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years.
- 15. The property owner shall fund the construction or at the option of the County Engineer, construct Lyons Road as a 2 lane section from West Atlantic Avenue to Linton Boulevard in accordance with the Condition above.
- 16. **Developer shall construct at the intersection of Lyons Road and West Atlantic Avenue:**
  - a. left turn lane, east approach;
  - b. right turn lane, west approach; and,
  - c. left turn lane, south approach

All concurrent with the construction of Lyons Road as referenced in the Condition above.

17. The Property owner shall provide construction plans for Linton Boulevard as a 4 lane median divided section (expandable to 6) from the project's entrance road west to State Road 7, plus the appropriate 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 within 12 months of the alignment of Linton Boulevard. Plan costs shall be approved by the County Engineer.
18. The property owner shall construct Linton Boulevard as a 2 lane undivided section from the project's entrance road to Lyons Road in accordance with the condition above. This construction shall be completed concurrent with the improvements with the first plat.
19. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule: No more than 113 building permits shall be issued until West Atlantic has been constructed as a 4 lane section from State Road 7 to the Florida Turnpike Entrance/Exit plus the appropriate paved tapers. At the option of the County Engineer, this limitation may be waived if Lyons Road is completed to Clint Moore Road.
20. The Developer shall install signalization if warranted as determined by the County Engineer at:
  - a. Lyons Road and Linton Boulevard; and,
  - b. West Atlantic Avenue and Lyons Road.Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
21. Surety shall be posted for all work performed under Condition Nos. 12 and 17 prior to June 1, 1990 and for Condition Nos. 15, 16 and 18 prior to December 1, 1990.
22. Developer shall, within six (6) months of the date of the resolution approving this special exception, complete and submit to the County Engineer an alignment study acceptable to the County Engineer.
23. Developer shall participate in any public hearings scheduled by the Board of County Commissioners relating to the alignment of Linton Boulevard between the Sunshine State Parkway and U.S. 441. In the event that the Board of County Commissioners, in its sole discretion, determines that the alignment of Linton Boulevard should be in a location different than that shown on the approved Master Plan, developer shall resubmit a master plan showing the location of Linton Boulevard consistent with the location of Linton Boulevard established by the Board of County Commissioners. No site plan shall be approved until such time as the alignment of Linton Boulevard has been established between the Sunshine

State Parkway and U.S. 441 by the Board of County Commissioners, or as otherwise provided by the Board of County Commissioners.

24. 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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Commissioner Roberts moved for approval of the Resolution.

The motion was seconded by Commissioner Phillips and, upon being put to a vote, the vote was as follows:

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

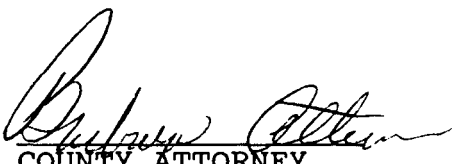
The Chair thereupon declared the resolution was duly passed and adopted this 12th day of December, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

