

6/15/89

RESOLUTION NO. **R-89-2217**

RESOLUTION APPROVING ZONING PETITION NO. **76-139(A)**
SPECIAL EXCEPTION PETITION OF TOWNE PARK JOINT VENTURE, 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 have been satisfied; and

WHEREAS, Petition No. **76-139(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. **76-139(A)** the petition of TOWNE PARK JOINT VENTURE, INC., by William R. Boose, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR SHERBROOKE PLANNED UNIT DEVELOPMENT TO (1) DELETE ACREAGE, AND (2) TO INCREASE THE DENSITY (PETITION **76-139**) on a parcel of land lying on a parcel of land being a part of Sections **5** and **6**, Township **45** South, Range **42** East, and a part of Lot **1**, Tract **42**, Palm Beach Farms Company Plat No. **13**, recorded in Plat Book **6**, page **98**, and a part of Blocks **37**, **36**, **43**, and **42** Palm Beach Farms Company Plat No. **3**, recorded in Plat Book **2**, pages **45** through **54** inclusive; beginning at the Southwest corner of said Plat of Lexington I of Sherbrooke; thence, North **00** degrees **33'53"** West, along the Westerly line of said plat, a distance of **1280.00** feet; thence, North **13** degrees **08'08"** West, along said line, a distance of **1506.10** feet; thence, North **89** degrees **26'07"** East, along the Northerly line of said Plat, a distance of **1399.71** feet; thence, North **01** degree **48'19"** East, a distance of **82.78** feet; thence, South **88** degrees **11'41"** East, a distance of **135.00** feet; thence, North **01** degree **48'19"** East, along a line parallel with, and **60.00** feet Westerly of, as measured at right angles to the Westerly line of Lot **32**, St. Andrews of Sherbrooke, recorded in Plat Book **37**, Pages **100** through **102** inclusive, a distance of **228.00** feet; thence, North **38** degrees **03'43"** West, a distance of

619.84 feet; thence North 30 degrees 26'41" West, a distance of 855.00 feet to a point being South 60 degrees 33'19" West a distance of 25.00 feet from the most southerly corner of the right-of-way for Angus Road of said Plat; thence, North 29 degrees 26'41" West, along a line parallel with, and 25.00 feet Southwesterly of, as measured at right angles to the Southwesterly line of Lot 23 of Said Plat, a distance of 270.00 feet to a point being South 60 degrees 33'19" West a distance of 25.00 feet from the most Westerly corner of said lot 23, thence, South 60 degrees 33'19" West, a distance of 50.00 feet; thence North 29 degrees 26'41" West, a distance of 250.00 feet; thence North 17 degrees 05'15" East, a distance of 639.46 feet to the North line of the Northeast 1/4 of said Section 6; thence, South 87 degrees 54'29" East, along said line, a distance of 1810.40 feet; thence North 09 degrees 02'07" West, along a line parallel with and 440.51 feet Easterly as measured at right angles to the West line of Lot 1, Tract 42 of said Plat of Palm Beach Farms Company Plat No. 13, a distance of 1485.04 feet; thence South 87 degrees 55'58" East, along the South right-of-way line of Lantana Road and along a line parallel with, and 40.00 feet Southerly of, as measured at right angles to the South line of the Southwest 1/4 of Section 31, Township 44 South, Range 42 East, a distance of 904.59 feet; thence South 13 degrees 02'53" East, along the Easterly line of said Lot 1, a distance of 1509.93 feet to the Northwest corner of said Section 5; thence North 89 degrees 16'18" East, along the North line of the Northwest 1/4 of said Section 5, a distance of 874.92 feet; thence, South 00 degrees 33'53" East, along the Easterly line of Tracts 13, 20, 45, and 52 of said Block 37, a distance of 2480.24 feet; thence North 89 degrees 26'07" East, along the North line of Tract 76, Block 37 of said Plat of Palm Beach Farms Company Plat No. 3, a distance of 309.12 feet; thence, South 00 degrees 33'53" East, a distance of 45.00 feet to the Northeast corner of the North portion of said Plat of Greenbriar I of Sherbrooke; thence South, 20 degrees 27'01" East, along the Easterly line of said Plat, a distance of 358.12 feet; thence South 24 degrees 34'01" East, along said line, a distance of 259.48 feet to the Southeast corner of said North portion; thence, South 07 degrees 44'12" East, a distance of 856.46 feet; thence, North 63 degrees 53'32" East, a distance of 1223.38 feet; thence, South 84 degrees 37'20" East, a distance of 236.33 feet; thence, South 36 degrees 13'57" East, a distance of 172.05 feet; thence, South 45 degrees 42'50" West, a distance of 862.93 feet; thence, South 89 degrees 18'19" West, along the Northerly line of said Plat of Sherbrooke Parcel "C" Plat One, a distance of 620.00 feet; thence, North 75 degrees 45'48" West, along said line, a distance of 132.86 feet to the Northwest corner of said Plat; thence, South 06 degrees 29'13" East, along the Westerly line of said Plat, a distance of 897.61 feet; thence South 00 degrees 33'53" East, along said line, a distance of 158.00 feet to the Southwest corner of said plat; thence South 89 degrees 26'07" West, along the South line of said Plat of Greenbriar I of Sherbrooke and along the South line of said Plat of Lexington I of Sherbrooke a distance of 4813.11 feet to the Point of Beginning, being located on the south side of Lantana Road, approximately .1 mile east of State Road 7 (US 441) and bounded on the east by the Sunshine State Parkway (Florida's Turnpike), in the RE-Residential Estate Zoning District, was approved on June 29, 1989, as advertised, subject to the following conditions:

1. All previous 8 conditions of approval pursuant to Resolution No. R-76-928 shall apply unless expressly modified herein.

2. The petitioner shall, as part of the future PUD master plan approval to be submitted for Petition No. 89-58:
 - a. Dedicate the civic site required for Sherbrooke Estates PUD by unencumbered fee simple title deed to Palm Beach County, 2% of the gross area of the planned unit development (10.75 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.
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 the formation of a single "master property owners' association", and automatic membership in the "master" association by any party holding title to any portion of the property included in the planned unit development.
4. a. Condition No. 6 of Zoning Petition No. 76-139 (Resolution No. R-76-928), which states:

"6. The four parks shown on the master plan shall be dedicated and maintained by the home owners' association, not Palm Beach County."

is deleted.
- b. Condition No. 7 of Zoning Petition No. 76-139 (Resolution No. 76-928), which states:

"7. The developer shall obtain a water management permit from the Central and South Florida Flood Control District,"

is modified to read:

"The developer shall obtain appropriate water management permits from the proper permitting authorities prior to final plat **recordation.**"
5. Within 2 years of the effective date of the Resolution approving this project or as may be extended to correspond with roadway design schedules with approval by the County Engineer, the property owner shall convey to Palm Beach County **Land**

Development Division by road right-of-way warranty deed free of all encumbrances and encroachments for the remaining unplatted portion of Sherbrooke, P.U.D. :

- a. Hypoluxo road, 110 feet of right-of-way;
- b. Lyons Road, 108 feet of right-of-way;
- c. Sufficient right-of-way as determined by the County Engineer for the Hypoluxo Road/Turnpike Overpass and/or Interchange; and,
- d. The following intersections. These intersections shall be in conformance with expanded intersections as defined in Palm Beach County's Thoroughfare Right-of-way Protection Map:
 1. State Road 7 and Hypoluxo Road; and,
 2. Hypoluxo Road and Lyons Road.

Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections; as determined by the County Engineer.

6. Residential dwelling units deleted from the Sherbrooke Planned Unit Development shall not be eligible for credit against any future residential development under the current standards of the 1987 Traffic Performance Standards.
7. All Building Permits requests 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 \$1,045.00 per approved single family home over 2,000 square feet and \$804.00 per approved single family home under 2,000 square feet.
8. Prior to Master Plan certification the Master Plan for Sherbrooke Planned Unit Development shall be revised to indicate that all road rights-of-way shall be terminated in a cul-de-sac or receive subdivision variance to permit a "T" turnaround. This requirement shall not prohibit issuance of single family building permits in the PUD.
9. The Property owner shall provide construction plans to the Land Development Division for the completion of Lyons Road from the construction currently in progress south of Lantana Road for the construction of 2 lanes expandable to 6 lanes. 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 effective

date of the Resolution approving this project. Plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. Surety for these plans shall be posted within sixty (60) days of the effective date of adoption of the Resolution approving this petition in the amount to be determined by the County Engineer.

10. The property owner shall complete the construction of Lyons Road from the south property line of Petition No. 89-58 north to the paved terminus south of Lantana Road in accordance with the Condition above. This construction shall be started within ninety (90) days, completed prior to 12 months from the date of notification by the County Engineer for paved continuity of Lyons Road. Paved continuity shall be defined in this instance as roadway construction contracts having been let for Lyons Road from the south boundary of Petition No. 89-58, Lyons Road through Hypoluxo Road to Boynton Beach Boulevard or concurrent with the construction of Hypoluxo Road as outlined in the conditions below whichever shall first occur. All canal crossings within the project limits shall be constructed to their ultimate configuration.
11. The Property owner shall provide construction plans to **Land Development Division** for Hypoluxo Road as a 2 lane section (expandable to 6 lanes) from the Florida Turnpike to State Road 7, excluding the turnpike/overpass 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 commenced within 24 months and completed prior to 36 months of the effective date of the Resolution approving this project. Plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. Surety for these plans shall be posted within sixty (60) days of the effective date of adoption of the Resolution approving this petition in an amount to be determined by the County Engineer.
12. The property owner shall construct Hypoluxo Road as a 2 lane section from State Road 7 to the Florida Turnpike excluding the turnpike overpass/interchange in accordance with the Condition above. This construction shall be started within four (4) years and shall be completed within 5 years of the effective date of the Resolution approving this project or as required by the County Engineer for paved continuity for Hypoluxo Road from State Road 7 to Jog Road whichever of the two shall first occur. In no case however shall construction be required to begin prior to 3 years of the effective date of the Resolution approving this project. All canal

crossings within the project limits shall be constructed to their ultimate configuration.

13. Surety required for construction of off-site improvements shall be posted with the Land Development Division for construction as outlined in Condition No. 10 ninety (90) days after completion of the construction plans or as requested by the County Engineer for paved continuity as provided for in Condition Nos. 9 and 11 above, whichever shall first occur. Palm Beach County shall not draw any surety posted by this developer prior to 3 years of the effective date of the Resolution approving this project in accordance with the Condition above.
14. The Developer shall give its best efforts to cause the platting of all remaining unplatted property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
15. Condition Nos. 1, 2 and 5 of Zoning Petition 76-139 (Resolution No R-76-928), which presently states:
 - "1. Developer shall dedicate to Palm Beach County one hundred eight (108) feet for the ultimate right-of-way for Lyons Road, the alignment of which to be approved by the County Engineer."
 2. Developer shall dedicate to Palm Beach County one hundred eight (108) feet for the ultimate right-of-way for Hypoluxo Road, the alignment of which to be approved by the County Engineer."
 5. The right-of-way dedication for Hypoluxo Road shall include the right-of-way for the approach for the bridge over Florida's Turnpike."

are hereby deleted.

16. Failure to comply with any conditions of approval 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.

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:

Richard Altman
COUNTY ATTORNEY

BY:

June J. Williams
DEPUTY CLERK

