

RESOLUTION NO. R - 842219

RESOLUTION APPROVING ZONING PETITION NO. 89-58
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. 89-58 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. 89-58 the petition of TOWNE PARK JOINT VENTURE, INC., by William R. Boose, Agent, for a SPECIAL EXCEPTION TO PERMIT EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SHELL, SOIL OR OTHER EXTRACTIVE MATERIALS (MINING OF SHELLROCK), on a parcel of land lying on the South Parcel: being part of Section 5, 6, 7, and 8, Township 45 South, Range 42 East, and Blocks 37, 43, and 42, Palm Beach Farms Company Plat No. 3, Plat Book 2, page 45, through 54, and all of Sherbrooke Parcel "C", Plat one, Plat Book 52, page 53, and 54: said parcel beginning at the Southwest corner of said plat of Lexington I of Sherbrooke; thence, South 00 degrees 33'53" East, along the Southerly prolongation of the Westerly line of said plat, a distance of 1320.00 feet: thence, North 89 degrees 26'07" East, along the South line of Tracts 22 through 28, Block 43, and Tracts 14 through 26, Block 42, of said Palms Beach Farms Company Plat No.3 a distance of 7670.00 feet to the Southeast corner of said Tract 26; thence, North 00 degrees 33'53" West, along the East line of Tracts 26 and 2, Block 42, and Tract 127, Block 37 of said Palm Beach Farms Company Plat No.3 a distance of 2030.00 feet to the Southeast corner of Tract 98 of said Block 37; thence, South 89 degrees 26'07" West, along the South line of Tract 98, Block 37 of said Palm Beach Farms Company Plat No.3 a distance of 330.00 feet to the Southwest corner of said Tract

98; thence North 00 degrees 33'53" West, along the West line of said Tract 98, a distance of 690.00 feet to the Southwest corner of said Tract 95 of said Block 37; thence North 89 degrees 26'07" East, along the South line of said Tract 95, a distance of 330.00 feet to the Southeast corner of said Tract 95; thence, North 00 degrees 33'53" West, along the East line of Tracts 95 and 66 of said Block 37, a distance of 1320.00 feet to the Northeast corner of said Tract 66; thence, south 89 degrees 26'07" West, along the North line of Tracts 66 through 76, Block 37 of said Palm Beach Farms Company Plat No. 3, a distance of 3350.88 feet; thence, South 00 degrees 33'53" East, a distance of 45.00 feet to the Northeast corner of the North portion 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 Greenbriar I of Sherbrooke and along the South line of Lexington I of Sherbrooke a distance of 4813.11 feet to the Point of Beginning: Together with; North Parcel; being a part of said Section 6, and part of Lot 3, Tract 42, Palm Beach Farms Company Plat No. 13, Plat Book 6, page 98, and part of Block 36, and said Palm Beach Farms Company Plat No. 3., beginning at the Northwest corner of said plat of Lexington I, 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 in Plat Book 37, page 100 through 102, a distance of 2228.00 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 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, North 87 degrees 54'29" West, along said line, a distance of 99.55 feet to the North 1/4 corner of said Section 6; thence, North 04 degrees 55'01" West, along the East line of Lot 3, Tract 42 of said Palm Beach Farms Company Plat NO. 13, a distance of 1467.31 feet; the Northerly prolongation of said line intersects at the South 1/4 corner of Section 31, Township 44 South, Range 42 East; thence, North 88

degrees 00'01" West, 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 said Section 31, a distance of **1349.83 feet**: thence, South **12 degrees 59'30" East**, a distance of **14.49 feet**: thence South **13 degrees 08'27" East**, a distance of **4193.12 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 an AR-Agricultural Residential Zoning District, was approved on June 29, 1989, as advertised, subject to the following conditions:

1. The petitioner shall only be allowed to proceed with excavation in accordance with the also proposed restoration and rehabilitation program. **No** further removal of extractive materials shall be permitted.
2. 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.
3. Prior to removal of material, that has already been excavated, a haul permit shall be obtained from the Department of Engineering. The Developer shall **post** a bond with the Office of the County Engineer for restoration of roads prior to the issuance of any haul permits required to finish the excavation. The County Engineer shall have the ability to call this bond to be used for roadway restoration.
4. The Developer shall pay, at the time of issuance of the Excavation Permit, One Thousand Five Hundred (**\$1,500.00**) Dollars as payment toward meeting the cost **of** this project's direct and identifiable traffic impact.
5. **No** later than two (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 property subject to this petition:
 - a. Hypoluxo Road, **110 feet** of right-of-way;
 - b. Lyons Road, **110 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 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. The Property owner shall convey to Palm Beach County, no later than **2** years of the effective date of resolution approving 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 Lyons Road and Hypoluxo Road along the property frontage and for a maximum **400** foot distance each side of the property boundary lines along Lyons Road and Hypoluxo Road. 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.
7. The petitioner shall designate **10.75** acres as a civic site. The civic site location shall be approved by Palm Beach County Planning, Zoning & Building Department, Department of Engineering and Department of Real Property Management. The site shall be provided with appropriate public access.
8. **If** this petition is amended and approved by the Board of County Commissioners for a Planned Unit Development, then the **10.75** acres shall be exclusive of the **2** per cent civic dedication requirement of the proposed development, but is eligible for open space credit.
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 with 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 ^(4 miles) 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 Nos. 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. Credit for road work performed in Condition Nos. 9, 10, 11, 12 and 13 shall be given for Fair Share Road Impact Fee.
15. Any dewatering activities associated with this excavation shall not impact any off site water supplies, hydrological flows, or wetland areas.
16. Future work pits shall be designed to preclude any stormwater from entering or leaving the area.
17. All lakes still under excavation or to come shall be reclaimed with a littoral zone of native vegetation. Reclamation plans are subject to approval by the Department of Environmental Resources Management. Littoral zones will be provided in lakes of Parcels D and E where reclamation has not been substantially complete.
18. Monitoring wells already onsite shall be sampled monthly for leachate from the Lantana Landfill and their water levels. The well locations are subject to approval by the SFWMD and ERM. The well sample results are to be provided to ERM 48 hours after receiving the results. Monthly monitoring should continue for two months after certification at final reclamation plan completion. The wells thereafter should remain in place for future monitoring.
19. 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, FLOIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Richard Cotton*
COUNTY ATTORNEY

BY: *June F. Williams*
DEPUTY CLERK

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