

4/46/42

RESOLUTION NO. R-90-1300

RESOLUTION APPROVING ZONING PETITION NO. 80-212(C)
SPECIAL EXCEPTION PETITION OF DANIEL C. PEREZ
BY BRET NEIN, AGENT

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. 80-212(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 22, 1990; 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. 80-212(C), the petition of DANIEL C. PEREZ, BY BRET NEIN, AGENT for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR PIPERS GLEN PLANNED UNIT DEVELOPMENT TO TRANSFER UNITS FROM PARCEL G TO PARCEL D on a parcel of land lying in Sections 2, 3, and 4, Township 46 South, Range 42 East and Tracts 1 through 10, Tracts 25 through 40, Tracts 57 through 64 inclusive, Block 64, PALM BEACH FARMS COMPANIES PLAT NO. 3, Plat Book 2, Pages 45 through 54, and the PLAT OF PIPERS GLENN, Plat No. 1, Plat Book 43, Pages 97 through 100; Commencing at the Northeast Corner of Section 2; Thence, bear South 89 Degrees 26'38" West, along the North Line of Section 2, a distance of 50.01 feet to a point on the West right-of-way line of Military Trail (A 100.00 foot road right-of-way); Thence, South 01 Degrees 46'44" East along right-of-way line, a distance of 40.01 feet for a POINT OF BEGINNING. Thence, continue South 01 Degrees 46'44" East, along right-of-way line, a distance of 295.34 feet to the South line of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 2; Thence, South 89 Degrees 27'23" West, along said line, a distance of 605.94 feet to the West line of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of the

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Northeast 1/4 of said Section 2; Thence, North 01 Degrees 37'59" West, along said line, a distance of 175.17 feet to the South line of the South 120.00 feet of the North 160.00 feet of the Northeast 1/4 of said Section 2; Thence, South 89 Degrees 26'38" West, along said line and Westerly prolongation thereof, a distance of 2031.52 feet to the West right-of-way line of the Lake Worth Drainage District Equalizing Canal E-3; Thence, South 01 Degrees 11'41" East, along right-of-way line, a distance of 1178.87 feet to the North line of the Southeast 1/4 of the Northwest 1/4 of Section 2; Thence, South 89 Degrees 29'38" West, along said line, a distance of 264.26 feet to the West line of the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 2; Thence, South 01 Degrees 07'18" East, along said line, a distance of 669.32 feet to the South line of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 2; Thence, North 89 Degrees 31'07" East, a distance of 265.11 feet to the West right-of-way line of E-3 Canal; Thence, South 01 Degrees 11'41" East, along right-of-way line, a distance of 629.44 feet to the North right-of-way line of the Lake Worth Drainage District Lateral Canal L-29; Thence, South 89 Degrees 32'35" West, along said right-of-way line, a distance of 2582.36 feet to the East line of Section 3; Thence, South 89 Degrees 29'26" West, continuing along said line, a distance of 2763.19 feet to the West line of the East 60.00 feet of the Northwest 1/4 of said Section 3; Thence, North 00 Degrees 33'54" West, along said line, a distance of 1947.16 feet; Thence, North 45 Degrees 33'54" West, a distance of 35.36 feet; Thence, North 02 Degrees 11'29" West, a distance of 80.03 feet; Thence, North 43 Degrees 27'22" East, a distance of 35.95 feet; Thence, North 02 Degrees 31'22" West, a distance of 519.94 feet to the South right-of-way line of the Lake Worth Drainage District Lateral Canal L-28; Thence, North 89 Degrees 47'01" East, along said line, a distance of 80.05 feet to the East line of the Northwest 1/4 of Section 3; Thence, North 89 Degrees 34'41" East, continuing along said line, a distance of 2681.21 feet to the West line of Section 2; Thence, North 89 Degrees 26'38" East, along said line, a distance of 5191.58 feet to the POINT OF BEGINNING. A parcel beginning at the Northwest corner of said PIPERS GLENN PLAT NO. 1; Said point lying on the Southerly right-of-way line of Lake Worth Drainage District L-28 Canal; Thence South 02 Degrees 31'22" East along the Westerly boundary of said PIPERS GLENN PLAT NO. 1, a distance of 519.94 feet; Thence continuing South along the aforementioned Westerly Plat line South 43 Degrees 27'23" West, a distance of 35.94 feet; Thence South 02 Degrees 11'29" East, a distance of 80.03 feet; Thence South 45 Degrees 33'54" East, for a distance of 35.36 feet; Thence South 00 Degrees 33'54" East, for a distance of 1947.16 feet to the Southwest corner of said PIPERS GLENN PLAT NO. 1 and the intersection thereof with the Northerly right-of-way line of the Lake Worth Drainage District L-29 Canal; Thence continuing along the aforementioned Northerly right-of-way line South 89 Degrees 29'26" West, for a distance of 2622.68 feet, to the intersection of West line of the said Section 3 and the East line of the said Block 64, PALM BEACH FARMS COMPANY'S PLAT NO. 3; Thence South 00 Degrees 35'08" East long the West line of said Section 3, for a distance of 325.41 feet; Thence continuing along the North right-of-way line of the aforementioned Lake Worth Drainage District L-29 Canal North 89 Degrees 58'27" West, for a distance of 2766.76 feet to the intersection thereof with the West line of said Tract 57 and the Easterly right-of-way line of Hagan Ranch Road; Thence continuing along the Easterly right-of-way line of Hagan Ranch Road North 00 Degrees 01'33" East, for a distance of 2635.19 feet; to the intersection thereof with the Southerly right-of-way line of said Lake Worth Drainage District L-28 Canal; Thence continuing along

the aforementioned Lake Worth Drainage District L-28 Canal South 89 Degrees 28'57" East, for a distance of 2573.37 feet; Thence North 49 Degrees 28'26" East, for a distance of 53.83 feet; Thence South 89 Degrees 58'27" East, for a distance of 123.99 feet; to the intersection thereof with the West line of said Section 3; Thence North 00 Degrees 35'08" West, along the West right-of-way line of Section 3 and the Southerly right-of-way line of the Lake Worth Drainage District L-28 Canal, for a distance of 105.14 feet; Thence continuing along the aforementioned Southerly right-of-way line North 49 Degrees 28'26" East, for a distance of 248.65 feet; Thence North 89 Degrees 47'01" East, for a distance of 2412.97 feet, to the POINT OF BEGINNING and being located on the west side of Military Trail and the east side of Hagan Ranch Road in a RT-Residential Transitional Zoning District, was approved on February 22, 1990 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
4. Prior to July 1, 1990, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for the construction of a right turn lane:

a. South approach on Hagan Ranch Road at Pipers Glen Boulevard

This right-of-way shall be a minimum of 150 feet, twelve feet in width and have a taper length of 180 feet.

5. The Developer shall install signalization if warranted as determined by the County Engineer at Piper Glen Boulevard and Hagan Ranch Road and at Jog Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition, as an alternative, prior to April 1, 1990, the developer shall escrow funds in an amount to be determined by the County Engineer for the above signalization.
6. The Developer shall plat the subject property including, but not limited to, all open space and recreation areas in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
7. Condition No. 7 of Zoning Petition 80-212(A) which presently states:

"7. Petitioner shall construct El Clair Ranch Road to a two-lane section thru the project's limits, as approved by the County Engineer, to the Indian Springs Planned Unit Development at the time of

the filing of the plats adjacent to **El** Clair Ranch Road or when required for paved continuity for **El** Clair Ranch Road as determined by the County Engineer whichever shall first occur."

is hereby amended to read:

"Petitioner shall construct **El** Clair Ranch Road to a two-lane section thru the project's limits, as approved by the County Engineer, to the north right of way line of the Lake Worth Drainage District L-28 Canal. Construction shall be in accordance with the construction plans approved by the County Engineer. This construction shall include an appropriate canal crossing over the Lake Worth Drainage Canal L-28 as approved by the Lake Worth Drainage District and the Office of the County Engineer. A complete set of construction plans shall be submitted to both the Lake Worth Drainage District and the County Engineer prior to June 15, 1990. All permits shall be obtained prior to August 1, 1990. All construction shall be completed prior to **November** 1, 1990. Acceptable surety shall be posted with the Office of the County Engineer prior to June 30, 1990."

8. As provided in the Palm Beach County Zoning Code, Sections **400.2** and **402.6**, failure to comply with any of these conditions of approval at any time may result in:
- a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of August, 1990.

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

