

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 80-47
TO AMEND CONDITIONS OF APPROVAL OF
RESOLUTION NO. R-80-516
WHICH APPROVED THE SPECIAL EXCEPTION OF
PHILIP T. WARREN, TRUSTEE
PETITION NO. 80-47

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 402.9 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, pursuant to Section 402.9, Status Report SR 80-47 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at a public hearing conducted on December 9, 1991 and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has reviewed Status Report SR 80-47 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 402.9 of the Palm Beach County Zoning Code authorizes the Board of County Commissioners, sitting as the Zoning Authority, to add or modify conditions of approval; 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; and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

WHEREAS, Section 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 the recommendation of Status Report No. SR 80-47, amending Conditions of Approval of Resolution No. R-80-516, the Special Exception of Philip T. Warren, Trustee, Petition No. 80-47, which permitted a Planned Unit Development, on those certain parcels of real property lying and being situated in Township 47 South, Range 41 East, and being more particularly as follows: Section 22, less the North 184.48 feet as measured at right angles to the North line thereof; and, Tracts 1, 2 and 4 to 12 inclusive; that portion of Tract 13 lying North of the Northerly right-of-way line of the Hillsboro Canal as now laid out and in use; Tracts 14, 15 and 16; Tracts 25 and 32 and that portion of Tract 26 lying North of the Northerly right-of-way line of the Hillsboro Canal as now laid out and in use, said Tracts as shown on Florida Fruit Lands Company's Subdivision No. 2 in Section 27, as recorded in Plat Book 1, page 102, together with the East 130 feet of that portion of Section 28

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lying North of the Northerly right-of-way line of the Hillsboro Canal as now laid out and in use;

LESS THE FOLLOWING PLATS: Bay Winds Plat 1, plat book 50, pages 36-38, Bay Winds Plat 2, plat book 50, pages 39-41, Bay Winds Plat 4, plat book 51, pages 104-107, Boca Winds Parcel F, plat book 58, pages 165-168, Boca Winds Parcel N, plat book 55, pages 6-8, Boca Winds Parcel A, plat book 56, pages 84-86, Boca Winds Parcel D-1, plat book 60, pages 60-64., being located on the west side of 120th Avenue South, and bounded partially on the south by the Hillsboro Canal, in a RT-Residential Transitional Zoning District, is approved, subject to the following conditions:

Condition Nos. 1, 2 and 3 of Resolution R-80-516 which presently state:

- 0 Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County four hundred twenty-six (426) feet for the ultimate right-of-way for University Parkway thru the project's limits. The alignment to be determined by the County Engineer.
- 0 Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County one hundred twenty (120) feet for the ultimate right-of-way for Glades Road/University Drive thru the project's limits. The alignment to be determined by the County Engineer.
- 0 Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County two hundred (200) feet for the ultimate right-of-way for Palmetto Park Road thru the project's limits. The alignment to be determined by the County Engineer.

Are hereby renumbered and amended as follows:

- 1. a. The property owner shall convey from the property subject of this petition adequate right-of-way for all Thoroughfare Plan roadways adjacent to or through the property which is the subject of this petition in accordance with the adopted Thoroughfare Right of Way Protection Map, including expanded intersections at all at " grade Thoroughfare Plan roadway intersections, plus safe corners.
- b. All right-of-way conveyances shall occur prior to the recording of the next plat and in no case later than July 1, 1992.
- c. Developer shall provide Palm Beach County with sufficient documentation to ensure that the property is free of all encumbrances and encroachments.

Condition No. 4 of Resolution R-80-516 which presently states:

- 0 Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet for the right-of-way of Riverside Drive, along the project's east property line.

Is hereby renumbered and amended as follows:

- 2. Prior to July 1, 1992 the property owner shall convey or verify conveyance to Palm Beach County Roadway Production Division by road right-of-way warranty deed for Riverside Drive 60 feet along the projects east property line free of all encumbrances and encroachments. Developer 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

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encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

Condition Nos. 5 and 6 of Resolution R-80-516 which presently state:

- o Petitioner shall construct at the intersection of Glades Road and S.R.7:
 - a. left turn lane, north approach
 - b. right turn lane, south approach
 - c. left turn lane, east approach

- o Petitioner shall construct at the intersection of Palmetto Park Road and S.R.7:
 - a. right and left lane turn lanes, west approach
 - b. modification of the right turn lane, north approach, as directed by the County Engineer
 - c. modification of the left turn lane, south approach, as directed by the County Engineer,

are hereby deleted.

Condition Nos. 7, 8, 9, 10, 11 and 12 of Resolution R-80-516 are not modified but are renumbered as follows:

- 3. The property owner shall construct at the intersection of Glades Road/University Drive and Riverside Drive:
 - a. left turn lane, south approach
 - b. right turn lane, west approach

- 4. The property owner shall construct at the intersection of Glades Road/University Drive and Palmetto Park Road:
 - a. left turn lane, north approach
 - b. right turn lane, south approach
 - c. right turn lane, east approach
 - d. left turn lane, east approach

- 5. Petitioner shall construct at the intersection of Palmetto Park Road and Riverside Drive:
 - a. right and left turn lanes, north approach
 - b. left turn lane, west approach

- 6. Petitioner shall construct at the intersection of Glades Road/University Drive and the main loop road:
 - a. left turn lane, south approach
 - b. right turn lane, south approach
 - c. left turn lane, east approach

- 7. Petitioner shall construct at the intersection of Palmetto Park Road and westerly loop road:
 - a. right and left turn lanes, north approach
 - b. right and left turn lanes, south approach
 - c. right and left turn lanes, east approach

- 8. Petitioner shall construct at the intersection of Palmetto Park Road and the easterly loop road:
 - a. right and left turn lanes, north approach
 - b. right and left turn lanes, south approach
 - c. right and left turn lanes, east approach
 - d. right and left turn lanes, west approach

Condition No. 13 of Resolution R-80-516 which presently states:

o Petitioner shall construct:

- a. the extension of Glades Road/University Drive from Palmetto Park Road north to Riverside Drive to a two-lane facility
- b. Palmetto Park Road thru the project's limits to a four-lane facility
- c. Riverside Drive from Palmetto Park Road north to Glades Road to a two-lane facility

Is hereby amended and renumbered as follows:

9. a. Petitioner shall fund the County's preparation of construction plans for Palmetto Park Road as a four lane median divided section, plus the appropriate turn lanes as determined by the County Engineer, from its present paved terminus to the western P.U.D. boundary (Future University Drive). The current Thoroughfare Plan typical section shall be used, except equivalent acceptable shellrock may be substituted as base material, in lieu of limerock.

- 1) Said funding shall be provided prior to the filing of a plat for Parcel "G", however, in no case later than July 1, 1992.
- 2) Surety in the form and amount acceptable to the County Engineer shall be posted for the plan preparation prior to January 1, 1992 or concurrent with the filing of the plat for Parcel "G" whichever shall first occur.

b. Petitioner shall fund the County's construction of the above stated section of Palmetto Park Road, and associated turn lanes. Petitioner may provide shellrock from the development site for use as base material, if such shellrock is of a quality which is satisfactory, as determined by the County Engineer.

- 1) Said funding shall be provided concurrently with the filing of the plat for Parcel "G", however no case later than July 1, 1993.
- 2) Surety in the form and amount acceptable to the County Engineer shall be posted for this construction prior to July 1, 1992 or concurrent with the filing of the plat for Parcel "G" whichever shall first occur.

c. It is the intent that the above construction be accomplished by the County using developer funding concurrently with the development of the plat for Parcel "G".

- 1) Parcel "G" plat shall be recorded no later than July 1, 1993.
- 2) Parcel "E" Plat shall be recorded no later than July 1, 1994.

It is the intent that the platting dates for Parcels "G" and "E" may be exchanged, however, all time frames stated above for Parcel "G" shall be applied to Parcel "E" if it is platted first.

d. Parcel "J" will be permitted to be recorded in as many as three (3) phases, subject to proper platting and Site Plan Review.

e. The first phase platted in Parcel "J" shall require the property owner to fund the County's preparation

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of construction plans for Glades Road as a two lane section, plus the appropriate turn lanes as determined by the County Engineer, from its present paved terminus in Logger's Run, P.U. D. to a point 200' west of the entrance to Parcel "J", as shown on the approved Master Plan. The current Thoroughfare Plan typical section shall be used for the preparation of these plans.

- 1) Said funding shall be provided one year prior to the filing of the first plat for Parcel "J", and in no case later than July 1, 1993. Acceptable surety in the form and amount shall be posted with the Office of the County Engineer.
 - 2) The Surety for the construction plans shall be posted prior to January 1, 1993 or concurrent with the filing of the plat for Parcel "J" whichever shall first occur.
- f. The first phase platted in parcel "J" shall require the property owner to fund the County's construction of the above stated section of Glades Road, and associated turn lanes.
- 1) Said funding shall be provided concurrently with the filing of the first plat for Parcel "J", and in no case later than July 1, 1994. Acceptable surety in the form and amount shall be posted with the Office of the County Engineer.
 - 2) The Surety for the construction shall be posted prior to July 1, 1993 or concurrent with the filing of the plat for Parcel "J" whichever shall first occur.

It is the intent that the above construction be accomplished by the County using developer funding concurrently with the development of the first plat for Parcel "J".

- g. The second phase platted in Parcel "J" shall require the property owner to fund the County's preparation of construction plans for University Drive (Glades Road Extension) as a two lane section, including appropriate turn lanes as determined by the County Engineer, from a point 200' west of the entrance to Parcel "J" through the intersection of Palmetto Park Road. The current Thoroughfare Plan typical section shall be used for the preparation of these plans.
- 1) Said funding shall be provided one year prior to the filing of a second plat for Parcel "J", and in no case later than July 1, 1994. Acceptable surety in the form and amount shall be posted with the Office of the County Engineer.
 - 2) Surety for these construction plans shall be posted prior to January 1, 1994 or concurrent with the filing of the second plat for Parcel "J".
- h. The second phase platted in parcel "J" shall require the property owner to fund the County's construction of the above stated section of University, and associated turn lanes.
- 1) Said funding shall be provided concurrently

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with the filing of the second plat for Parcel "J", and in no case later than July 1, 1995.

- 2) Acceptable Surety in the form and amount shall be posted with the Office of County Engineer. Surety for this construction shall be posted prior to July 1, 1995 or concurrent with the filing of the second plat for Parcel "J" whichever shall first occur.
- i. It is the intent that the above construction be accomplished by the County using developer funding concurrently with the development of the second plat for Parcel "J".
- j. Should the first plat in Parcel "J" represent 50% or more of its total units, then the developer shall comply with all conditions set forth above for Parcel "J", except that the time frames for plan and roadway construction funding for the first plat in Parcel "J" shall apply.
- k. The final phase platted in Parcel "J" shall require the following:
 - 1) Prior to July 1, 1996, or prior to the filing of the last plat, whichever shall first occur, the petitioner shall submit to Palm Beach County approved and permitted construction plans for Riverside Drive, as a two lane roadway, to current Thoroughfare Plan requirements, with appropriate turn lanes on both this roadway, and on Glades and Palmetto Park Roads, as required by the County Engineer.
 - 2) **Petitioner shall construct the improvements to Riverside Drive as set forth in the above referenced plans concurrently with the filing of this last plat, and in no case shall the improvements be completed later than July 1, 1997.**

Condition No. 14, of Resolution R-80-516 which presently states:

- o Petitioner shall modify the signals, as directed by the County Engineer, at the intersections of:
 - a. Glades Road and S.R.7
 - b. Palmetto Park Road and S.R.7

Is hereby deleted.

Condition No. 15 of Resolution R-80-516 which presently states:

- o Petitioner shall contribute Two Hundred Fifty-four Thousand Five Hundred Dollars (\$254,500.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of building permit(s). This Fair Share Traffic Impact contribution has been determined in accordance with the provisions of Ordinance 79-7 as follows:

Single-Family	\$166.00/d.u.
Multifamily	165.00/d.u.
General Commercial	250.00/1,000 sq. ft.

However, regardless of the present or future status of this Ordinance, this development shall be required to provide the above \$254,500.00 toward alleviating some of its direct and identifiable traffic impact.

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Is hereby renumbered and amended to read:

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.

Condition No. 17 of Resolution R-80-516 which presently states:

- o Petitioner must dedicate the civic site to Palm Beach County, without cost, at the time of the filing of the first plat.

Is hereby renumbered and amended as follows:

11. Petitioner must dedicate the civic site to Palm Beach County, without cost, at the time of the filing of the next plat.

Condition Nos. 18 and 19 of Resolution R-80-516 are not amended, but renumbered as follows:

12. Petitioner must dedicate one hundred thirty (130) feet from the centerline along the Hillsboro Canal to the South Florida Water Management District for right-of-way purposes.
13. No temporary on-site water or sewer service(s) will be approved for building construction within this project. Confirmation of utilities for this petition is based on the provision of central water and sewer service from South Palm Beach Utilities.

The following new conditions are added:

14. Parcel "G", the property owner shall construct Shorewinds Drive as a two-lane section from its present paved terminus to the extension of Palmetto Park Road, plus appropriate turn lanes, as determined by the County Engineer. The same typical section that was used on existing Shorewinds Drive may be used for this construction.
15. Surety acceptable to the County Engineer in the amount of 110% of a certified cost estimate by the Developer's Engineer shall be posted by the petitioner concurrent with the trigger dates for plans and prior to the filing of the respective plats, to guarantee the funding for both the plans and construction associated with the plats, as set forth above.
16. The petitioner shall convey to Palm Beach County, at the time of recording the next plat, or prior to July 1, 1992 or when requested by the County Engineer (whichever shall first occur), adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff for those segments of Palmetto Park Road, Glades Road, University Drive, and Riverside Drive along the property frontage, and for a maximum 400' distance each side of the property boundaries along those roadways. Said easements shall be no less than 20' in width. The drainage system within the project shall have sufficient retention/detention capacity to meet stormwater discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management District for the combined runoff for the project and ultimate Thoroughfare Plan road sections of the included segment.
17. Petitioner shall include in all written solicitations, advertisements, inducements, and other methods or attempts to encourage any person to purchase a legal or

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equitable interest in property which is the subject of this petition (or amendment hereto) a disclosure statement identifying all planned roadways adjacent to or through the petition property which are included in the County's Thoroughfare Plan or Five Year Road Improvement Program.

Condition No. 16 of Resolution R-80-516 which presently states:

- o Petitioner shall enter into a formal contract with the School Board of Palm Beach County to contribute four-tenths (4/10) of one percent (1%) of the selling price of each residential dwelling unit in this planned unit development on a one time initial sales basis. However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above 4/10ths of 1% of the initial sales price toward alleviating some of the development's school impact. As an alternate, the developer and School Board of Palm Beach County may enter into an agreement for the construction and lease-back of a school building.

Is hereby renumbered and amended as follows:

- 18. Prior to December 31, 1991, the property owner shall convey to the School Board of Palm Beach County a fifteen (15) acre school site in accordance with the agreement dated November 6, 1985 between the School Board of Palm Beach County and Boca Winds, Inc. Transfer of title shall be by special warranty deed based upon a metes and bounds legal description provided by the petitioner, free and clear of all liens and encumbrances. All items of development of this site shown in the November 6, 1985 agreement shall be done as a part of the platting and development of "Parcel J" as defined in the currently approved master plan.

Commissioner Roberts moved for approval of the Resolution.

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

KAREN T. MARCUS, CHAIR	--	aye
CAROL J. ELMQUIST	--	aye
CAROL ROBERTS	--	aye
CAROLE PHILLIPS	--	absent
MARY MCCARTY	--	aye
KEN FOSTER	--	aye
MAUDE FORD LEE	--	aye

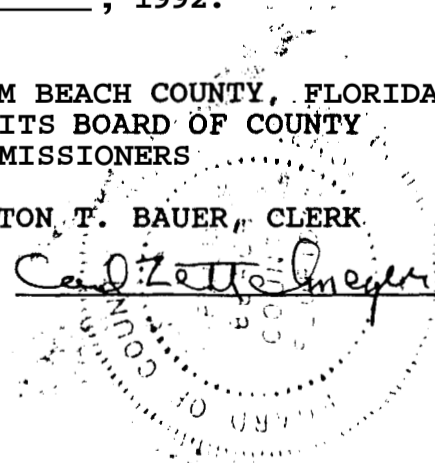
The Chair thereupon declared the resolution was duly passed and adopted this 12th day of May, 1992.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: *[Signature]*

MILTON T. BAUER, CLERK BY: *[Signature]*



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