

RESOLUTION R-2003- 0944

RESOLUTION CORRECTING RESOLUTION R-2003-0565  
RESOLUTION APPROVING ZONING PETITION OF  
GL HOMES OF FLORIDA II CORP  
FOGG PROPERTY CENTRAL PUD  
PETITION PDD2002-068

WHEREAS, GL HOMES OF FLORIDA II CORP, petitioned the Palm Beach County Board of County Commissioners on April 24, 2003 for an Official Zoning Map Amendment to a Planned Development District Rezoning from the Agricultural Reserve Zoning Districts to the Agricultural Reserve Planned Unit Development District; and

WHEREAS, Resolution R-2003-0565, adopted on April 24, 2003 confirming the action of the Board of County Commissioners inadvertently contained errors in Conditions E.6, E.7, E.13, E.14, J.6.f. and J.8.c. of Exhibit C; and

WHEREAS, Conditions E.6, E.7, E.13, E.14, J.6.f. and J.8.c. of Exhibit C of Resolution R-2003-0565 should have read as follows:

- E.6. On or before January 1, 2004, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of:
- Acme Dairy Road and
  - Lyons Road
  - Flavor Pict Road (if applicable)

Required drainage limits shall be along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. Where portions of Acme Dairy Road, Lyons Road, and/or Flavor Pict Road are adjacent to or within the property proposed for preservation area, the property owner shall dedicate sufficient land area or easement area from the preservation area in an amount and location as required and approved by the County Engineer to accommodate the drainage necessary for the ultimate section of these roads. ~~as required and approved by the County Engineer.~~ (DATE: MONITORING-Eng)

- E.7. Prior to December 1, 2003, the Property owner shall commence the

construction plans for Lyons Road as a 2 lane facility (expandable to 4 lanes) from a point 280 feet north of Boynton Beach Boulevard to the project's south property line (development area only/LWDD L-26 canal) plus the appropriate tapers. **All canal crossings (bridges and/or culverts) within the project limits shall be constructed from right-of-way line to right-of-way line. All bridges shall be constructed to their ultimate paved configuration.** 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. Plan costs shall be approved by the County Engineer. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING-Eng)

E.13. On or before September 1, 2004, 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 parceled right-of-way maps required for the construction of Acme Dairy Road as referenced above ~~(with the exception of the left turn lane north approach on Acme Dairy Road)~~ subject to the approval of the County Engineer. Notification shall be given to Land Development Division. (DATE: MONITORING-Eng)

E.14 Prior to the issuance of the 201<sup>st</sup> certificate of occupancy building permit the property owner shall complete the construction of Acme Dairy Road as a 2 lane facility from Boynton Beach Boulevard to the project's entrance road plus a round-about at the project's entrance road and the appropriate tapers. **All canal crossings within the project limits shall be constructed to their ultimate configuration.** Included in this construction shall be the following turn lane improvements at the intersection of Acme Dairy Road and Boynton Beach Boulevard:

A. **left** and right turn lane south approach:  
left turn lane east approach;

B. **left** turn lane north approach (**this** turn lane shall only be **required** to be constructed if the required right of way has been obtained by Palm Beach County at no cost to the property owner. Failure of the County to obtain the necessary right of way, (inclusive of temporary construction easements, embankment easements, drainage easements, drainage areas, etc.) prior to the letting of the contract for the construction of Acme Dairy Road or September 1, **2005**, which shall last occur shall relieve the property owner of having to comply with this condition. ~~prior to the issuance of the 201<sup>st</sup> certificate of occupancy.~~) (DATE: MONITORING-Eng)

J.6.f. Should the 100 foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to March 1<sup>st</sup>, ~~2004~~ **2008**, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (DATE: MONITORING/PLANNING-Planning)

J.8.c. Should conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to March 1<sup>st</sup>, ~~2004~~ **2008**, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (PLAT/DATE: MONITORING/PLANNING-Planning)

NOW, THEREFORE, **BE IT RESOLVED** BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Conditions E.6, E.7, E.13, E.14, J.6.f. and J.8.c. of Exhibit C of Resolution R-2003-0565 are hereby corrected.

Commissioner Koons moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	-	Aye
Tony Masilotti, Vice Chairman	-	Absent
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared the resolution was duly passed and **adopted** on June 26, 2003.

Filed with the Clerk of the Board of County Commissioners on 22 day of July, 2003.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY: [Signature]  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]  
DEPT. CLERK

