

RESOLUTION NO. R-99- 1139

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 87-112G.5
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-99-98
WHICH APPROVED THE SPECIAL EXCEPTION OF
JAMES J. O'BRIEN, TRUSTEE
PETITION NO. 87-112(H)

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 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 87-112G.5 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on May 27, 1999; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 87-112G.5 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.
2. The developer will not be able to meet the December 31, 1999 buildout date as required by condition number E. 17. of Resolution R-99-98.
3. Additional roads required to meet the Countywide Traffic Performance Standards after December 31, 1999, are scheduled to be widened by Palm Beach County, but not until after the expected buildout date of the project.
4. This would cause the project to be phased to these planned road widenings, causing the buildout date to be extended beyond December 31, 2001.
5. By extending the buildout date, additional roads would be impacted causing further phasing.
6. To avoid this problem, the property owner must apply for and receive approval of a CRALLS (Constrained Roadway at a Lower Level of Service) designation to allow the project to meet its revised buildout date.
7. The property owner will pay approximately \$4,000.00 per unit towards off-site road improvements, the highest per unit cost for off-site road improvements for any developer in this part of the County.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that

the action of the Board of County Commissioners 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. CR 87-112G.5, to amend Conditions of Approval of Resolution No. R-99-98, the Special Exception of James J. O'Brien, Trustee, Petition No. 87-112(H), which approved a Development Order Amendment (DOA), on a portion of the west ½ of Section 2, Township 45 South, Range 42 East, lying west of the Lake Worth Drainage District E-3 Canal, **LESS** the Northeast ¼ of the Northeast ¼ of the Northwest ¼ of said Section 2, **AND LESS** the Southeast ¼ of the Southeast ¼ of the Southwest ¼ of said Section 2, **AND LESS** the South 110.00 feet of the Southwest ¼ of said Section 2, **AND LESS** the North 35.00 feet of the Northwest ¼ of the of said Section 2, **AND LESS** the South 85.00 feet of the North 115.00 feet of the Southwest ¼ of said Section 2 **TOGETHER WITH** the East ½ of Section 3, Township 45 South, Range 42 East, Palm Beach County, Florida, **LESS** the Right-of-way for Jog Road, **AND LESS** the Right-of-way for Hypoluxo Road, **AND LESS** the North 35 feet thereof, **AND LESS** the South 85 feet of the North 115 feet of the Southeast ¼ of said Section 3 being more particularly described as follows:

Commencing at the Southwest corner of the Southeast ¼ of said Section 3; thence North 89° 17'05" East along the South line of Section 3, a distance of 40.00 feet; thence North 00° 47'13" West, along a line also being 40.00 East of (as measured at right angles) the West line of the East ½ of said Section 3, a distance of 226.84 feet; thence North 89° 12'47" East, a distance of 9.02 feet to the POINT OF BEGINNING of this description; thence Northerly along the Easterly Right-of-way line of as recorded in Official Record Book 6 182, Page 740 of the Public Records of Palm Beach County, Florida the following four courses; thence North 03° 24'10" East, a distance of 339.24 feet; thence North 00° 23'35" East, a distance of 2534.08 feet to the beginning of a curve concave to the West having a radius of 4641.66 feet and a central angle of 01° 10'48"; thence Northeasterly and Northwesterly along the arc of said curve, a distance of 95.49 feet; thence North 00° 47'13" West along a line tangent to the last described curve, a distance of 1587.00 feet to a POINT OF INTERSECTION with the Southerly Right-of-way line of the Lake Worth Drainage District Lateral Number 17 Canal as described in Official Record Book 24 11, Page 1113 of the said Public Records, said point to be hereinafter referred to as Point "A"; thence continuing North 00° 47'13" West, along a line 80.00 feet East of (as measured at right angles) the West line of the East ½ of Section 3, a distance of 85.00 feet to a POINT OF INTERSECTION with the Northerly Right-of-way line of said Lake Worth Drainage District Lateral Number 17 Canal; thence continuing North 00° 47'13" West, along the Easterly Right-of-way line of Jog Road as recorded in Official Record Book 6 182, Page 736 of the said Public Records, a distance of 2364.18 feet to a point of intersection with the South line of North 399.04 feet of the Northeast ¼ of said Section 3, said point being on the arc of a curve concave to the Southwest having a radius of 1697.02 feet and a central angle of 01° 25'18" at which point the radius bears South 89° 10'48" West, thence Northerly along the Easterly Right-of-way line of Jog Road as recorded in Official Record Book 6 182, Page 732 the following three courses; thence Northwesterly along the arc of last described curve, a distance of 42.11 feet; thence North 01° 39'05" West along a line non-tangent to last described curve, a distance 187.39 feet to a point on the arc of a curve concave to the Southwest having a radius of 1709.02 feet and a central angle of 04° 34'58", at which point the radius bears South 81° 27'49" West; thence Northwesterly along the arc of said curve, a distance of 136.69 feet to a POINT OF INTERSECTION with the Southerly Right-of-way line of the Lake Worth Drainage District Lateral Number 16 Canal, Official Record Book 2393, Page 1134; thence North 89° 11'55" East along the said Southerly Right-of-way line of the Lake Worth Drainage District Lateral Number 16 Canal, same line also being 35' South of (as measured at right angles) and parallel with the North Line of the said East ½ of Section 3, a distance of 2673.22 feet to the West Line of said Section 2; thence North 89° 24'10" East continuing along the said Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number 16 Canal, same line also being 35.00 feet South of (as measured at right angles) parallel with the North Line of the West ½ of said Section 2, a distance of 2002.52 feet; thence South 00° 26'12" East, a distance of 655.79 feet; thence North 89° 37'00" East, a distance of 213.35 feet to a POINT OF INTERSECTION with the Westerly Right-of-way Line of Lake Worth Drainage District E-3 Canal, Official Record Book 2393, Page 1133; thence Southeasterly, the following three courses, along the said Westerly Right-of-Way Line of the Lake Worth Drainage District E-3 Canal, same line also being 35.00 feet Southwesterly of (as measured at right angles) and parallel with the following described line

(beginning at the Southeast corner of the Southwest ¼ of said Section 2; thence North 05' 28'31" West to a point on the North Line of said Section 2 being 480.00 feet westerly from (as measured along the said North Line of Section 2) the Northeast corner of the Northwest ¼ of said Section 2) thence South 05'28'31" East, a distance of 2115.58 feet to a POINT OF INTERSECTION with the said Northerly Right-of-way Line of the said Lake Worth Drainage District Lateral Number 17 Canal; thence continuing South 05'28'31" East, a distance of 85.42 feet to a POINT OF INTERSECTION with the said Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number 17 Canal; thence continuing South 05'28'31" East, a distance of 1883.7 feet; thence North 89° 10'50" West, a distance of 571.95 feet; thence South 00'24'33" East, a distance of 551.01 feet to a POINT OF INTERSECTION with said Northerly Right-of-way Line of Hypoluxo Road; thence North 89'00'34" West along the said Northerly Right-of-way Line of Hypoluxo Road, same line also being 110.00 feet North of (as measured at right angles) and parallel with the South Line of the Southwest ¼ of said Section 2, a distance of 1998.26 feet; to a POINT OF INTERSECTION with the East Line of said Section 3; thence continuing along the said Northerly Right-of-way line of Hypoluxo Road the following four courses: thence North 89'39'42" West, a distance of 1697.83 feet; thence North 86°21'38" West, a distance of 500.52 feet to a point on the arc of a curve concave to the South having a radius of 10,076.00 feet and a central angle of 02°21'04", at which point the radius bears South 01'09'38" West; thence Northwesterly and Southwesterly along the arc of said curve, a distance of 413.46 feet; thence North 44'04'36" West, a distance of 58.51 feet to the POINT OF BEGINNING.

Less the following described 85 foot Right-of-way for the Lake Worth Drainage District Lateral Number 17 Canal, BEGINNING at beforementioned Point "A"; thence North 00'47'13" West, a distance of 85.00 feet; thence North 89° 14'14" East along the said Northerly Right-of-way line for the Lake Worth Drainage District Lateral Number 17 Canal, same line also being 30.00 feet south of (as measured at right angles) and parallel with the East-West ¼ section line of said Section 3, a distance of 2631.89 feet to the West line of said Section 2, thence continuing along said Northerly Right-of-way Line, same line also being 30.00 feet South of (as measured at right angle!;) and parallel with the East-West ¼ Section line of said Section 2, South 89'46'25" East, a distance of 2399.26 feet to a POINT OF INTERSECTION with the said Westerly Right-of-way Line of the Lake Worth Drainage District E-3 Canal; thence South 05'28'31" East, along said Westerly Right-of-Way Line of the Lake Worth Drainage District E-3 Canal, a distance of 85.42 feet to a POINT OF INTERSECTION with the said Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number 17 Canal, a distance of 2406.69 feet to the East line of said Section 3, thence continuing North 89'46'25" West along said Southerly Right-of-way Line, a distance of 0.24 feet; thence South 89° 14'14" West along said Southerly Right-of-way Line, a distance of 2631.21 feet to beforementioned Point "A" and the POINT OF BEGINNING.

TOGETHER WITH That portion of the Southeast ¼ of the Northeast ¼ of the Northwest ¼ and that portion of the Southeast ¼ of the Northwest ¼ lying East of the Lake Worth Drainage District E-3 Canal, **TOGETHER WITH** the Northeast ¼ **LESS** the North 20 feet of the Northeast ¼ all being in Section 2, Township 45 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows;

Commencing at the Northeast corner of said Section 2; thence South 00° 19'58" East along the East Line of said Section 2, a distance of 20.00 feet to the POINT OF BEGINNING of this description; thence continuing South 00° 19'58" East along said East Line of Section 2, same line also being the Northerly projection of and the West Line of Plat of Concept Homes of Lantana Plat No. 2 and Plat No. 3 as recorded in Plat Book 38, Page 13 and 14 and Plat Book 39, Page 123 thru 125, respectively, a distance of 2790.84 feet to the Southeast corner of the Northeast ¼ of said Section 2; thence North 89'46'27" West, along the South Line of the said Northeast ¼ of Section 2, a distance of 2665.22 feet to the center of said Section 2; thence North 89'46'25" West, along the South Line of the Northwest ¼ of said Section 2, a distance of 169.69 feet to the Easterly Right-of-Way Line of the Lake Worth Drainage District E-3 Canal Official Record Book 2393, Page 1133; thence North 05'28'31" West along the said Easterly Right-of-way Line of Lake Worth Drainage District E-3 Canal, same line also being 65.00 feet Northeasterly of (as measured at right angle;) and parallel with the following described Line (beginning at the Southeast corner of the Southwest ¼ of said Section 2; thence North 05'28'31" West to a point on the North Line of said Section 2 being

480.00 feet westerly from (as measured along the said North Line of Section 2) the Northeast corner of the Northwest ¼ of said Section 2), a distance of 2086.51 feet; thence North 89°37'00" East, a distance of 353.56 feet to the West Line of the Northeast ¼ of said Section 2; thence North 00°25'10" West along the said West Line of the Northeast ¼ of Section 2, a distance of 673.28 feet; thence North 89°25'14" East along a line 20.00 feet South of (as measured at right angles) and parallel with the North Line of the said Northeast ¼ of Section 2, same line also being the Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number 16 Canal as described in Official Record Book 2393, Page 1133 of the said Public Records, a distance of 2669.27 feet to the POINT OF BEGINNING.

TOGETHER WITH Lot One and that portion of Lot Two lying East of the Lake Worth Drainage District E-3 Canal in Tract 38 of the "Hiatus" between Townships 44 and 45 South, Range 42 East also known as "Township 44 ½ South, Range 42 East, **LESS** the North 54.00 feet thereof. **AND LESS** the South 50.00 feet thereof, being more particularly described as follows:

Commencing at the Northeast corner of said Lot One, Hiatus Tract 38, same point also being the Southeast corner of Section 35, Township 44 South, Range 42 East, thence South 38°28'00" East along the Easterly Line of said Lot One, a distance of 70.48 feet to the POINT OF BEGINNING of this description, thence continuing South 38°28'00" East along the Easterly Line of said Lot One, a distance of 675.16 feet to a POINT OF INTERSECTION with the Northerly Right-of-way Line of Lake Worth Drainage District Lateral Number 16 Canal, Official Record Book 2393, Page 1133 said point being North 38°28'00" West, a distance of 63.34 feet from the Northeast corner of said Section 2; thence South 89°25'14" West along the said Northerly Right-of-way Line of Lake Worth Drainage District Lateral Number 16 Canal, same line also being 50.00 feet North of (as measured at right angles) and parallel with the South Line of said Lot One, Hiatus Tract 38, a distance of 2670.86 feet crossing into said Lot Two, Hiatus Tract 38; thence continuing along said Northerly Right-of-way Line of Lake Worth Drainage District Lateral Number 16 Canal, same line also being 50.00 feet North of (as measured at right angles) and parallel with the South Line of said Lot Two, Hiatus Tract 38, South 89°24'10" West, a distance of 376.88 feet to a POINT OF INTERSECTION with the Easterly Right-of-way Line of Lake Worth Drainage District E-3 Canal, Official Record Book 2411, Page 1114; thence North 03°20'59" West along the said Easterly Right-of-way Line of Lake Worth Drainage District E-3 Canal same line also being 65.00 feet Easterly of (as measured at right angles) and parallel with the following described line (beginning at a point 480.00 feet Westerly from (as measured along the North Line of the Northwest ¼ of said Section 2); thence North 03°20'59" West to the Northeast corner of said Lot Two, Hiatus Tract 38), a distance of 633.69 feet to a POINT OF INTERSECTION with the proposed Southerly Right-of-way Line of Lantana Road, same line also being 54.00 feet South of (as measured at right angles) and parallel with the North Line of said Lot One Hiatus Tract 38, a distance of 2620.32 feet; thence South 88°28'57" East along the proposed said Southerly Right-of-way line of Lantana Road, a distance of 45.31 feet to the POINT OF BEGINNING, being located on the northeast corner of Jog Road and Hypoluxo Road in the Residential Single Family (RS) Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval contained in Resolution R-99-98 continue to apply unless expressly modified herein.
2. Condition number E.15.c. of Resolution R-99-98 which currently states:

The amount of surety provided to Palm Beach County, referenced in 15A. above, shall be updated based upon final construction drawings and appraisals on an annual basis, beginning December 1, 1996. (Previously Condition E.15. of R-99-98, Petition DOA87-112(H) (DATE: MONITORING - Eng)

Is hereby amended to state:

The amount of surety provided to Palm Beach County referenced in 15.A. of Resolution R-99-98, shall be updated based upon final construction drawings and appraisals on an annual basis, beginning July 1, 1999. (Previously Condition: E. 15.

of R-99- 98, Petition DOA87-112(H) (DATE: MONITORING - Eng)

3. Condition number E. 17. of Resolution R-99-98 which currently states:

If 90% of the 2,360 building permits have not been issued by December 31, 1999, no further building permits shall be issued and the property owner must readdress traffic from unbuilt remainder of project to bring the project in compliance with Traffic Performance Standard and then existing conditions. (Previously Condition E. 17. of Resolution R-97-2086, Petition DOA87- 112(G) (DATE: MONITORING-Bldg/Eng)

Is hereby amended to state:

If 90% of the 2,360 building permits have not been issued by December 1, 2001, no further building permits shall be issued and the property owner must readdress traffic from unbuilt remainder of project to bring the project in compliance with Traffic Performance Standard and then existing conditions with the implementation of appropriate phasing conditions. (Previously Condition E. 17. of Resolution R-99- 98, Petition DOA87-112 (H) (DATE: MONITORING- Bldg/Eng)

4. The property owner shall be required to promptly file in 1999 any and all applications for a comprehensive plan amendment to designate the affected roads as CRALLS (Constrained Roadway at a Lower Lever of Service) during the extended buildout date. Further the property owner shall diligently pursue the adoption of such amendment. In the event that the amendment is not approved, the project shall be subject to phasing controls as previously provided by other conditions. Failure to pursue the comp plan amendment in a timely manner shall result in a ULDC Section 5.8 review and a stop work order. (ONGOING: MONITORING- Eng)

5. The property owner shall additionally submit a new phasing plan for approval by the County Engineer on or before July 1, 1999. (DATE: MONITORING -Eng)

Commissioner **Masilotti** 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:

MAUDE FORD LEE, CHAIR	—	Aye
WARREN H. NEWELL, VICE CHAIR	—	Absent
BURT AARONSON	—	Aye
KAREN T. MARCUS	—	Absent
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Aye
CAROL ROBERTS	—	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 29 day of June, 1999.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: [Signature]
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: [Signature]
DEPUTY CLERK

