

RESOLUTION NO. R-80-1243

RESOLUTION APPROVING ZONING PETITION

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 80-153 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28 August 1980; and

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

1. The proposal would be in harmony and compatible with the present and future development of the area concerned
2. The proposal would not be disruptive to the character of the neighborhoods or adverse to playgrounds, parks, schools and recreation areas
3. The proposal would not be adverse to the promotion of the public health, safety, comfort, convenience, order, appearance, prosperity or general welfare

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day of August, 1980, that Petition No. 80-153 the petition of BOYNTON COUNTRY CLUB ESTATES, INC. and LeCHALET, INC., by Martin Perry, Attorney, for the FURTHER SPECIAL EXCEPTION TO ALLOW THE EXPANSION OF AND MODIFICATION TO AN EXISTING PLANNED UNIT DEVELOPMENT KNOWN AS LeCHALET, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 73-138 on all that certain parcel of land lying in Township 45 South, Range 42 East, being more particularly described as follows: the Northwest 1/4 of Section 14; the Northeast 1/4 of Section 15; All of Section 16; All of Lots 1 through 56, Block 47, Palm Beach Farms Co. Plat No. 3 in said Section 15, as recorded in Plat Book 2, page 49. Less the land platted as Plat No. 1, LeChalet in Plat Book 31, pages 166 and 167. Said property located on the west side of Military Trail (S.R. 809), approximately 1.4 miles south of Hypoluxo Road, was approved as advertised subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County:
 - a. One hundred twenty (120) feet for the ultimate right-of-way for Jog Road through the project's limits.
 - b. Eighty (80) feet for ultimate right-of-way for Hagen Ranch Road through the project's limits.
 - c. One hundred eight (108) feet for the ultimate right-of-way for NW 22 Avenue from the project's east property line to Hagen Ranch Road.
2. Petitioner shall signalize the intersection of LeChalet Boulevard and Military Trail prior to the issuance of the 640th building permit or when warranted by the County Engineer.
3. Petitioner shall construct:
 - a. Two (2) lanes on Jog Road from the existing southern terminus south of Hypoluxo Road to the northern limit of construction by Tartan Lakes PUD. This portion of Jog Road must be constructed during Phase II of this project or prior to the issuance of 1,040 building permit(s). If a contiguous project is approved to the north of this project that requires Jog Road for access prior to the completion of Phase II, this project would be relieved of this obligation.
 - b. Hagen Ranch Road within the project's limits.
 - c. NW 22 Avenue from the project's east property line to Hagen Ranch Road.

4. Petitioner shall construct at the intersection of LeChalet Boulevard and Jog Road:
 - a. Left turn lane, north approach
 - b. Right turn lane, north approach
 - c. Left turn lane, south approach
 - d. Right turn lane, south approach
 - e. Left turn lane, east approach
 - f. Right turn lane, east approach
 - g. Left turn lane, west approach
 - h. Right turn lane, west approach
 - i. Signalization when warranted, as determined by the County Engineer.
5. Petitioner shall construct at the intersection of LeChalet Boulevard and Hagen Ranch Road:
 - a. Left turn lane, south approach
 - b. Left turn lane, east approach
 - c. Left turn lane, west approach
6. Petitioner shall construct at the intersection of NW 22 Avenue and Jog Road:
 - a. Left turn lane, north approach
 - b. Left turn lane, south approach
 - c. Left turn lane, west approach
7. Petitioner shall construct at the intersection of NW 22 Avenue and Hagen Ranch Road:
 - a. Left turn lane, north approach
 - b. Left turn lane, south approach
 - c. Right turn lane, south approach
 - d. Left turn lane, east approach
 - e. Left turn lane, west approach
 - f. Right turn lane, east approach
8. Petitioner shall construct access to the City of Boynton Beach property to the north of this project. This access to be acceptable to the County Engineer.
9. Petitioner shall contribute One Million Three Hundred Thousand Dollars (\$1,300,000.00) toward the cost of meeting this project's direct and identifiable traffic impact. This contribution will be applied directly toward the four laning of Military Trail and the intersection improvements at Hypoluxo Road and Military Trail, Hypoluxo Road and Jog Road, Boynton West Road and Military Trail and the construction of the access road to the City of Boynton Beach property. The balance of \$1,300,000 is to be paid no later than four years after the date of Special Exception approval.
10. Petitioner shall furnish the construction plans as part of the \$1.3 million Fair Share contribution for Military Trail as a 4 lane median divided road from the intersection of Hypoluxo Road to the intersection with Boynton West Road to be approved by the County Engineer.

11. A seventy-five (75) foot vegetative buffer shall be provided on the east side of the east easement line of the drainage canal separating the commercial property and the school site property.
12. The conveyance of the 30 acre school site without reverters and with title insurance shall be conveyed to the School Board of Palm Beach County at the time of the filing of the first plat.
13. The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from the project do not become a nuisance to neighboring properties.
14. The Lake Worth Drainage District will require the following rights-of-way, as shown on the Lake Worth Drainage District Right-of-Way Maps recorded in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida:

L-20 from E-2E to E-3 - Sheets 66 and 67 of 240;
 L-21 from E-2E to E-3 - Sheets 69 and 70 of 240;
 L-22 from E-2E to Jog Road - Sheets 72 and 73 of 240;
 E-2E from L-20 to L-22 - Sheet 209 of 240;
 E-3 from L-20 to L-21 - Sheet 222 of 240.

Commissioner Gregory moved for approval of the petition.

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

Dennis Koehler, Chairman	-	Aye
Frank Foster, Vice Chairman	-	Aye
Bill Bailey, Member		Aye
Norman R. Gregory, Member	-	Aye
Peggy B. Evatt, Member		Aye

The foregoing resolution was declared duly passed and adopted this 16th day of September, 1980, confirming action of 28 August 1980.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, Clerk-

By: *Ruth Ann Cittereri*
 Deputy Clerk

APPROVE AS TO FORM
 AND LEGAL SUFFICIENCY

Charles F. Schoech
 County Attorney

