

RESOLUTION NO. R-84-58

RESOLUTION APPROVING ZONING PETITION 83-58, Special Exception

WHEREFIS, 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

WHEREFIS, 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

WHEREFIS, Petition No. 83-58 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29th September 1983; 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 proposed Rezoning and Special Exception to permit a Planned Unit Development meet the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day September 1983, that Petition No. 83-58 the petition of BOYNTON BEACH COUNTRY CLUB, INC., By Paul Woolfe, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land situate Section 22, Township 45 South, Range 42 East, a portion thereof being a portion of Block 48 of the Palm Beach Farms Company's Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54 being more particularly described as follows:

Beginning at the Southwest corner of Tract 55 of Block 48 of the Palm Beach Farms Company's Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54, inclusive, thence North 00 degree 57'00" West line of said Block 48, a distance of 2025.00 feet to the centerline of that certain platted road, ditch, and dike reservation (30.00 feet in width) lying

between Tracts 24 through 41 and Tracts 32 through 39 all in said Block 48; thence North 89 degrees 03' 00" East along said centerline a distance of 2788.10 feet to the East line of the West 1/2 of said Section 22; thence South 00 degree 36' 13" East along said East line a distance of 114.12 feet to the South line of the Northeast 1/4 of said Section 22; thence North 89 degrees 45' 01" East along said South line a distance of 2007.32 feet to the East line of the West 3/4 of the Southeast 1/4 of said Section 22; thence South 00 degree 18' 55" East along said East line a distance of 2581.35 feet to the existing Northerly right-of-way line of Boynton West Road (State Road 804), as recorded in Road Plat Book 2, Page 5, also being a line 30.00 feet North of said parallel with the South line of said Block 48; thence North 88 degrees 56' 40" West along said Northerly right-of-way line a distance of 997.49 feet to the East line of the West 3/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 22; thence North 00 degree 27' 36" West along said East line a distance of 1228.27 feet to the North line of the Southwest 1/4 of the Southeast 1/4 of said Section 22; thence South 89 degrees 34' 27" West along said North line a distance of 1000.31 feet to said East line of the West 1/2 of Section 22; thence South 70 degrees 09' 19" West a distance of 75.20 feet to a line 25.00 feet South of and parallel with the Westerly prolongation of the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 22; thence South 89 degrees 34' 27" West along said parallel line a distance of 943.24 feet to the East line of the West 115.00 feet of Tracts 50 & 61 of said Block 48; thence South 00 degree 57' 00" East along said East line a distance of 1191.72 feet to said existing Northerly right-of-way line of Boynton West Road; thence South 89 degrees 03' 00" West along said parallel line a distance of 1105.00 feet to the West line of Tract 58 of said Block 48; thence North 00 degree 57' 00" West along said West line a distance of 630.00 feet to the Northeast corner of Tract 57, said Block 48 thence South 89 degrees 03' 00" West along the North lines of Tracts 56 and 57 said Block 48 a distance of 660.00 feet to the Point of Beginning. Rnd a parcel of land situate Section 22, Township 45 South, Range 42 East, a portion thereof being a portion of Block 48 of the Palm Beach Farms Company's Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54, being more particularly described as follows:

Beginning at the intersection of the West line of said Block 48 with the Centerline of that certain platted road, ditch, and dike reservation (30.00 feet in width) lying between Tracts 24 through 41 and Tracts 32 through 39 all in said Block 48, thence North 00 degree 57'00" West along the Westerly line of said Block 48 a distance of 1225.00 feet to a line 110.00 feet South of and parallel with the Northerly lines of Tracts 16 through 23 of said Block 48; thence North 89 degrees 03'00" East along said parallel line a distance of 2795.50 feet to the East line of the West 1/2 of said Section 22; thence South 00 degree 36'13" East along said East line a distance of 75.69 feet to a line 70.00 feet South of and parallel with the North line of the Southwest 1/4 of the Northeast 1/4 of said Section 22; thence North 89 degrees 55'30" East along said parallel line a distance of 1006.85 feet to the East line of the West 3/4 of the last said Southwest 1/4; thence South 00 degree 27'36" East along said East line a distance of 595.18 feet to the North line of the South 1/2 of the Northeast 1/4 of said Section 22; thence North 89 degrees 50'16" East along said North line a distance of 1005.34 feet to the East line of the West 3/4 of the Southeast ^{1/4}~~1/2~~ of said Section 22; thence South 00 degree 18'55" East along said East line a distance of 1005.34 feet to the East line of the West 3/4 of the Southeast 1/4 of said Section 22; thence South 00 degree 18'55" East along said East line a distance of 663.64 feet to the South line of said Northeast 1/4; thence South 89 degrees 45'01" West along said South line a distance of 2007.32 feet to said East line of the West 1/2 of said Section 22; thence North 00 degree 36'13" West along said East line a distance of 114.12 feet to the aforesaid centerline of that certain platted road, ditch, and dike reservation (30.00 feet in width) lying between Tracts 24 through 41 and Tracts 32 through 39; thence South 89 degrees 03'00" West along said centerline a distance of 2788.10 feet to the Point of Beginning. Said property located on the north side of Boynton West Road and on the east and west side of Jog Road was approved as advertised subject to the following conditions:

1. This Development shall retain onsite the first one' inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.
2. The property owner shall convey for the ultimate right-of-way of:
 - a) Boynton Beach Boulevard, 120 feet north of the existing south right-of-way line of Boynton Beach Boulevard (approximately an additional 40 feet of right-of-way) including along the two existing out parcels,
 - b) Jog Road, 60 feet from each side of the centerline (a total of 120 feet) approximately an additional 80 feet of right-of-way (including along the existing two out parcels).

All rights-of-way shall be conveyed within ninety (90) days of Special Exception approval and conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit.

3. The developer shall acquire 120 feet of right-of-way for Boynton Beach Boulevard from the existing 4-lane terminus west of Congress Avenue to the east property line of the development approved as Petition No. 81-152 per the County Engineer's approval. Palm Beach County may acquire the right-of-way at the developer's expense.
4. The developer shall construct Boynton Beach Boulevard as a 4-lane median divided section from the existing 4-lane terminus west of Congress Avenue to the east property line of the development approved as Petition 81-152 including the appropriate -tapers, per the existing County Engineer's approved plans. This construction shall be commenced prior to the issuance of the 386 Building Permits and be substantially completed within two years of Special Exception approval, whichever first occurs. Provided that a performance bond is posted to cover permits issued prior to this road construction, this construction will be accepted in lieu of the Fair Share Traffic Impact Fee. Should the developer's cost of this construction (including right-of-way) be less than \$1.2 million, the developer shall pay to Palm Beach County the difference between that amount and actual construction cost as an impact fee; however, should the cost of this construction exceed \$1.2 million, impact fee monies collected by the County through Special Exception approvals for other projects which also impact this link of Boynton Beach Boulevard prior to the completion of this construction will be applied to this construction in an amount not to exceed \$380,000.
5. The developer shall construct Jog Road as a 2-lane section from the north right-of-way line of the Boynton Canal south to Boynton Beach Boulevard (including the bridge over the Boynton Canal) as required by the County Engineer to provide continuity for Jog Road but in no case later than four years after Special Exception approval.
6. The developer shall construct concurrent with the construction of and at both project entrances onto Boynton Beach Boulevard:
 - a) Left turn lane, west approach.
 - b) Right turn lane, east approach.

- c) **Signalization when warranted, as specified by the County Engineer.**
7. **The developer shall construct at the intersection of Hagen Ranch Road and Boynton West Road concurrent with second plat improvements:**
- a) **Left turn lane, east approach.**
 - b) **Right turn lane, west approach.**
8. **The developer shall construct concurrent with the construction of Jog Road as outlined in Condition No. 5, above:**
- a) **Left turn lane, west approach on Boynton Beach Blvd. at it's intersection with Jog Road.**
 - b) **Right turn lane, east approach on Boynton Beach Boulevard at it's intersection with Jog Road.**
 - c) **Left turn lane, north approach and a left turn lane, south approach on Jog Road at the project's entrance roads.**
 - d) **Left turn lane, north approach on Jog Road at it's intersection with Boynton Beach Boulevard.**
9. **The developer shall install signalization when warranted as specified by the County Engineer, at the intersection of Jog Road and Boynton Beach Boulevard.**
10. **The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties,**
11. **The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.**
12. **The Master Plan shall be amended prior to certification to reflect the following;**
- a) **Pod "D" shall be divided into two tracts corresponding to Land Use Plan category boundaries.**
 - b) **Guard houses shall be set back a minimum of 150 feet from accessed thoroughfares. The westernmost guardhouse on Boynton Beach Blvd. shall be located north of the "outparcel" access point.**
 - c) **"green open area tracts" shall be re-labeled as "Open Space and Recreation" tracts.**
13. **Property owner shall convey, by either easement or deed, to the Lake Worth Drainage District, the North 55.00 feet of Tracts 32 to 39 inclusive, Block 48, Palm Beach Farms Company Plat No. 3 and the North 80.00 feet of the Northwest 1/4 of the NE 1/4 of the SE 1/4 of Section 22/45/42, all for the right-of-way for Lateral Canal No. 23.**

Commissioner Koehler , moved for approval ,
of the petition. The motion was seconded by Commissioner Bailey
and upon being put to a vote, the vote was
as follows:

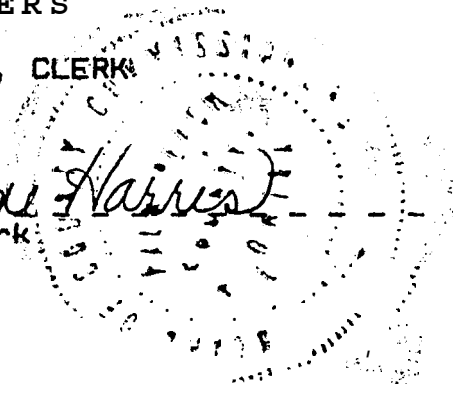
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|-----------------------------|----|-----|
| Peggy E. Evatt, Chairman | -- | AYE |
| Ken Spillias, Vice Chairman | -- | AYE |
| Dennis P. Koehler, Member | -- | AYE |
| Dorothy Wilken, Member | -- | NAY |
| Bill Bailey, Member | -- | AYE |

The foregoing resolution was declared duly passed and
adopted this 10th day of Jan. , 1984 , confirming action of
29th September 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BORRD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Charlene Harris*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

John Cortlett

County Attorney