

RESOLUTION NO. R- 1832

RESOLUTION APPROVING **ZONING** PETITION 84-95, Special Exception

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. 84-95 was presented to the Board of **County** Commissioners of Palm Beach County at its public hearing conducted on the 26th July 1984; 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 is consistent with 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 the 26th July 1984, that Petition **No.** 84-95 the petition of MISSION BAY DEVELOPMENT CO., INC. By William R. Boose, III, Esquire, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on Tracts 6 through 12 inclusive, Tracts 21 through 28 inclusive, Tracts 33 through 64 inclusive, all in Section 13, Township 47 South, Range 41 East, according to the Plat of Florida Fruit Lands Company's Subdivision No. 2, in Plat Book 1, Page 102, together with the South 3/4 of the East 1/4 of Section 14, Township 47 South, Range 41 East, less and except the following;

Beginning at the Northwest corner of Section 24, Township 47 South, Range 41 East, said corner having a 2-inch O.D. Pipe with a State of Florida brass disk fastened to the top; thence North 89 degrees

47'06" East along the North line of Section 24, a distance of 5281.77 feet to the Northeast corner of Section 24 which has now been replaced by a Palm Beach County **Survey** brass disk; thence North 04 degrees 27'48" West, 367.70 feet to the Northwest corner of Section 19, Township 47 South, Range 42 East as marked by a brass marker; thence South 85 degrees 47'35" West, 5267.31 feet to the said Northwest corner of Section 24 and the Point of Beginning.

Less the 75 foot right-of-way for State Road No. 7 as recorded in Road Book 1, Page 35, less the rights-of-way as recorded in the Florida Fruit Lands Company Subdivision No. 2, less that portion of the Palm Beach County Road right-of-way as described in Deed Book 1054, Page 204, and is redescribed as follows:

A 33 foot strip in Tracts 56 and 57, Florida Fruit Lands Company's Subdivision No. 2, Sheet 2 of 4, as recorded in Plat Book 1, Page 102, lying South of and coincident with a line connecting the Northwest corner of Section 24, Township 47 South, Range 41 East to the Northwest corner of Section 19, Township 47 South, Range 42 East, bounded on the West by the West line of said Tract 57, and bounded on the East by the West line of the 75 foot right-of-way of State Road 7. Less the following described parcel:

A Parcel of land being a portion of Tracts 7, 8, 9, 49, 50 and 51 of Florida Fruit Lands Company's Subdivision No. 2 as recorded in Plat Book 1, Page 102 and located in Section 13, Township 47 South, Range 41 East, being more particularly described as follows:

Commencing at the Southeast corner of said Section 13; thence North 00 degrees 54'39" West, along the East line of said Section 13, a distance of 1644.81 feet; thence South 89 degrees 08'17" West, a distance of 86.69 feet to the existing West right-of-way line of State Road No. 7 and the Point of Beginning; thence continue South 89 degrees 08'17" West, a distance of 259.50 feet; thence North 00 degrees 51'43" West, a distance of 560.64 feet; thence South 89 degrees 08'17" West, a distance of 100.00 feet; thence **South 37 degrees 08'17" West, a distance of 100.00 feet**; thence South 00 degrees 51'43" **East**, a distance of 180.00 feet; thence South 89 degrees 08'17" West, a distance of 140.00 feet; thence South 37

degrees 08' 17" West, a distance of 188.00 feet; thence South 89 degrees 08' 17" West, a distance of 375.00 feet; thence North 12 degrees 51' 43" West, a distance of 1100.00 feet; thence North 39 degrees 14' 42" East, a distance of 489.88 feet; thence North 89 degrees 08' 17" East, a distance of 960.00 feet to the said right-of-way of State Road No. 7; thence South 00 degrees 51' 43" East, along said right-of-way, a distance of 1610.64 feet to the Point of Beginning. Said property located on the West side of S.R. 7 (U.S. 441), approximately 1.3 miles south of Yamato Road Extension was approved as advertised subject to the following conditions:

1. This development shall retain on site the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. In addition, the developer shall provide legal positive outfall or receive a variance from this requirement.
2. The property owner shall convey the ultimate right-of-way for Cain Boulevard necessary to provide for an eighty (80) foot ultimate section. This right-of-way alignment shall be per the County Engineer's approval, within 90 days of adoption of the resolution by the Board of County Commissioners. Conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit.
3. The property owner shall convey for the ultimate right-of-way of the S.R. 7, 240 feet west of the west right-of-way line of the Lake Worth Drainage District E-1 Canal, within ninety (90) days of adoption of the resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit.
4. The property owner shall convey the ultimate right-of-way for Glades Road necessary to provide for a 120-foot ultimate section. This right-of-way alignment shall be per the County Engineer's approval within ninety (90) days of adoption of the resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit.
5. The property owner shall convey from the subject property the ultimate right-of-way for the "Special Exception" at Glades Road and S.R. 7 per the County Engineer's approval. This right-of-way shall be conveyed within ninety (90) days of adoption of the resolution by the Board of County Commissioners and accepted by Palm Beach County or prior to the issuance of a building permit.
6. Based on traffic impacts and total traffic projected in the impact area, the project development shall be limited to the following phases:

RESIDENTIAL

Number of months After the approval date by the Board County Commissioners:	Maximum number of Building Permits:	Cumulative Total of Building Permits:
0 - 12	0	0
12 - 24	250	250
24 - 36	350	600
36 - 48	300	900
48 - 60	300	1200
60 - 72	336	1536

OFFICE

Number of months After the approval Date by the Board of County Commissioners:	Maximum square Footage of office (in 1000's)	Cumulative Total of office Square Footage (in 1000's)
0 - 12	0	0
12 - 24	0	0
24 - 36	50	50
36 - 48	50	100
48 - 60	61	161

7. The petitioner shall provide the construction plans for S.R. 7 as a four-lane, median-divided section (expandable to 6 lanes), compatible with the Department of Transportation typical section from Palmetto Park Road south to the Hillsboro Canal plus the appropriate tapers, per the County Engineer's approval. These plans shall be completed within six (6) months of approval date by the Board of County Commissioners or prior to the issuance of a Certificate of Occupancy, whichever first occurs. The cost of these plans shall not exceed \$100,000.00.

a. The petitioner shall provide the construction plans for Glades Road as a six-lane, median-divided facility from Powerline/Jog Road to Boca Rio Road plus the appropriate tapers, including adjustments to the Florida Turnpike overpass structure, per the County Engineer's approval. These plans shall be completed within 18 months of the approval date by the Board of County Commissioners. The cost of these plans shall not exceed \$100,000.00.

9. The developer shall acquire the additional right-of-way for S.R. 7, a total of 200 feet west of the west right-of-way line of Lake Worth Drainage District E-1 Canal, from Palmetto Park Road to the Hillsboro Canal with the appropriate tapers which will be required for the road construction for S.R. 7 as outlined in the previous condition. This right-of-way shall be acquired within twelve (12) months of the approval date by the Board of County Commissioners, OK prior to the issuance of a Certificate of Occupancy, whichever shall first occur. Palm Beach County will acquire this right-of-way at the developer's expense.

10. The developer shall construct S.R. 7 as a four-lane divided section from Palmetto Park Road south to the Hillsboro Canal, plus the appropriate tapers, per County Engineer's approval. The construction shall include an asphalt overlay of the two existing lanes on S.R. 7, if required by the County Engineer. This construction shall be completed and accepted by the Florida Department of Transportation prior to the issuance of 250 building permits OK within two (2) years of the approval date by the Board of County Commissioners, whichever shall first occur.

11. The developer shall construct Cain Boulevard from the project's north property line south to Glades Road within the PUD at the time of the filing of the adjacent plats OK when required by the County Engineer for continuity for Cain Boulevard.

12. The developer shall construct at the intersection of Glades Road and S.R. 7 concurrent with the construction of Glades Road:

- A. Right turn lane south and west approach.
- B. Dual left turn lanes all approaches.
- C. Right turn lane, north approach.
- D. Right turn lane, east approach.

13. The developer shall construct Glades Road from S.R. 7 west to the project's west property line as a four-lane, median-divided section, per the County Engineer's approval. This construction shall be per

the following phasing plan:

Phase 1 of this construction for Glades Road shall be a 4-lane median divided section from S.R. 7 to a point 200 feet west of Mission Bay Plaza entrance, plus the appropriate tapers, per the County Engineer's approval. The remainder of this section of roadway shall be constructed as a 2-lane section to the property's west property line. This construction shall be concurrent with the filing of each plat adjacent to Glades Road OK when required by the County Engineer for paved continuity for Glades Road.

Phase 2 of this construction for Glades Road shall be an additional 2-lane section from the project's west property line east to a point 200 feet west of Mission Bay Plaza entrance, per the County Engineer's approval. This construction shall be completed within thirty-six (36) months after completion of Phase 1 construction for Glades Road. This construction shall be funded from impact fee monies collected within the impact fee zone, subject to approval by the Board of County Commissioners. The maximum amount of participation by Palm Beach County shall be \$250,000.00.

14. Construction at the intersection of Glades Road and Cain Boulevard at the time of construction of Glades Road:

- A. Left turn lane, west approach
- B. Left turn lane, north approach
- C. Signalization when warranted as determined by the County Engineer.

15. Construct at all of the project's entrances and Glades Road at the time of construction of Glades Road, left and right turn lanes, per the County Engineer's approval.

16. The developer shall construct Glades Road as a six-lane median divided section from Power-line/Jog Road to Boca Rio Road plus the appropriate tapers, per the County Engineer's approval. This construction shall be completed and accepted by the Florida Department of Transportation prior to the issuance of the 600th building permit or within three (3) years of approval date by the Board of County Commissioners, whichever shall first occur.

17. The Master Plan shall be revised to include minimum of 80-foot right-of-way collector for the southern interior spine road.

18. Construct at both of the project's entrances onto Cain Boulevard at the time of construction of Cain Boulevard:

- A. Left turn lane, north approach
- B. Right turn lane, south approach

19. The petitioner shall provide Palm Beach County with a road drainage easement through this project's internal lake system for the road drainage of Cain Boulevard, Glades Road, and S.R. 7. This drainage easement shall be subject to all governmental agency requirements.

20. The construction of S.R. 7 and Glades Road as outlined in Conditions 7, 8, 9, 10 and 16 shall be credited toward the Fair Share Impact 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. This credit shall be based upon a Certified Cost Estimate by the Developer's Engineer, subject to review by the County Engineer in an amount equivalent to the road construction for S.R. 7 and Glades Road as outlined in condition number 7, 8, 9, 10 and 16 within ninety (90) days of adoption of the resolution by the Board of County Commissioners.

21. If any of the improvements listed above are completed by others prior to the date required by this petitioner, then the developer will be relieved of all or part of the respective improvement project. Palm Beach County shall make available other existing developer commitments which are earmarked for the construction of

. Glades Road from Jog/Powerline Road to Boca Rio Road to this developer prior to the same being constructed. In the event that another entity constructs S.R. 7 from Hillsboro Canal to Palmetto Park Road (or) Glades Road from Jog/Powerline Road to Boca Rio Road, this Developer shall make a contribution in either cash or construction costs in a total amount not less than \$1,111,130.00. Note: It is the intent of the Office of the County Engineer that Palmetto Park Road will be constructed as a 6-lane median divided section from west of the Florida Turnpike to I-95 at the time of construction for its presently budgeted 4-lane median-divided section. This could be accomplished pending approval by the Board of County Commissioners with the use of the Impact Fees Monies or other developer commitments which may be granted zoning approvals.

22. Petitioner shall show a 20 acre elementary school site on the Mission Bay PUD Master Plan.

23. Petitioner shall dedicate the 20 acre school site to the school Board of Palm Beach County.

24. Transfer of Title and Warranty Deed to the school site, and a survey showing and describing the meets and bounds of the school site shall be delivered to the School Board within six (6) months of the effective date of the resolution of approval by the Board of County Commissioners on the subject PUD.

25. Petitioner shall be responsible for the school site to be at final developable grade elevation prior to the School Board construction.

26. Petitioner shall provide primary and secondary access to the site from adjacent roadways (curb cuts and proper left and right turning lanes) in accordance with County Engineer guidelines.

27. Utilities (sewer and water) shall be brought to the site property line.

28. Pedestrian signalization to and from the school site shall be installed by the petitioner when warranted by both the School Board and County Engineer.

29. Petitioner shall place with the School Board of Palm Beach County, a letter of credit in the amount verifying the designing, engineering, and construction cost for the provision of water and sewer, paved road access and site elevation requirements to permit the construction of a school on the property in accordance with a time schedule, put forth by the Palm Beach County School Board.

30. The developer shall relocate and/or preserve existing significant native vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction.

Landscape materials used shall be compatible and noncompetitive with native vegetation.

31. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

32. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

33. Mission Bay Development Company, Inc. agrees to maintain the row of pine trees located in the right-of-way of the north/south canal running contiguous to the western property line of the Mission Bay planned unit development and forming the eastern property line of

the Loggers Run planned **unit** development. Mission Bay Development Company, Inc. agrees to plant additional Australian Pines and natural vegetation in any gaps in said row of pine trees for the purpose of providing a continuous pine tree visual buffer between the improvements constructed within the Loggers Run planned unit development and to be constructed within the Mission Bay planned unit development.

34. Mission Bay Development Company, Inc. agrees to construct a landscape berm system within twenty-five (25) feet of the planned unit development buffer along the west property line of the Mission Bay planned unit development for the purpose of providing a continuous landscape berm system between the residences to be constructed within the Mission Bay planned unit development. This landscape berming system is in addition to the pine tree row and natural vegetation presently existing in the canal right-of-way west of the Mission Bay property line.

35. Mission Bay Development Company, Inc. agrees to provide and maintain heavy duty silencers for all drainage pumps to be operated within the Mission Bay planned unit development.

36. Mission Bay Development Company, Inc. agrees not to commence land **development** activities involving heavy equipment prior to **7:00** A.M.

37. Mission Bay Development Company, Inc. agrees to conduct no land development activities **or** tree removal activities in the canal right-of-way located **contiguous** to the western property line of the Mission Bay planned unit development **bordering** the Loggers Run planned unit development.

38. Mission Bay Development Company, Inc. agrees to provide single family, detached patio homes with a minimum rear yard set back of ten (10) feet in addition to the twenty-five (25) foot planned unit development buffer in the southwest development parcel as provided in the Master Land Use Plan of the Mission Bay planned unit development. All single family units in this parcel shall be one (1) story in height.

39. Exact copies of the master plan and related graphics as presented at the Board of County Commissioner's public hearing shall be submitted to the Zoning Division and made part of the official file.

40. Structure in the commercial pod of this Planned Unit Development shall be limited to two stories in height, and in no event shall the height of the finished roof exceed **30** feet.

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

Ken Spillias, Chairman	--	<b>AYE</b>
Dorothy Wilkens, Vice Chairman	--	NAY
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member	--	<b>AYE</b>

The foregoing resolution was declared duly passed and adopted this day of **DEC, 11 1984,** confirming action of the 29th of June 1984.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Rowena McWilliams*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Marky Bonifant*  
County Attorney

