

RESOLUTION NO. R-1834

RESOLUTION APPROVING ZONING PETITION 84-98, 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. 84-98 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 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 proposed 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 26th day of July, 1984, that Petition No. 84-98 the petition of HUGH JANOW, AS TRUSTEE By F. Martin Perry, Agent, for a SPECIAL EXCEPTION TO COMBINE, EXPAND AND AMEND THE MASTER PLANS FOR ORANGE POINT ESTATES PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 79-283, AND ORANGE POINT PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 79-284 on the Northwest corner of Section 23, Township 44 South, Range 41 East; (state plane grid bearing datum) along the Easterly line of the Acme Drainage District's Canal right-of-way as recorded in Official Record Book 1548, Page 388, 2605.43 feet to the Point of Beginning; thence South 00 degrees 18'37" East along said line 2826.26 feet to a point 228.05 feet East of the Southwest corner of Section 23, and 4.85 feet North of the South line of Section 23; thence South 88 degrees 31'54"

East, 5273.93 feet to a point on the East line of Section 23, and 11.45 feet North of the Southeast corner of Section 23; thence North 00 degrees 33'33" West along the East line of said Section, 2712.62 feet to the East 1/4 corner of Section 23; thence North 02 degrees 15' 48" East along said East line, 88.08 feet; thence North 88 degrees 14'59" West, 5266.96 feet to the Point of Beginning, together with a parcel in Section 26, Township 44 South, Range 41 East, being more particularly described as follows:

Beginning at the Southwest corner of Section 26; thence South 88 degrees 28'00" East (state plane grid bearing datum) along the South line of said Section, 5408.17 feet to a point on a line that is 37.5 feet West of and parallel with the East line of Section 26; thence North 02 degrees 39'49" East along said parallel line, 5404.29 feet to a point on the South line of a parcel as described in Official Record Book 3203, Page 1846, as parcel III; thence North 88 degrees 31'54" West along said South line, 1534.25 feet to the East line of the parcel described in Official Record Book 1125, Page 134; thence South 02 degrees 39'49" West along said East line, 1334.72 feet to the South line of said parcel; thence North 88 degrees 31'54" West along the South line of said parcel, 3739.22 feet to the West line of the Acme Drainage District's Canal right-of-way as monumented and described in Official Record Book 1921, Page 1331; thence South 04 degrees 33'44" West along said East line, 4068.48 feet to the Point of Beginning, together with all of Section 34, Township 44 South, Range 41 East; Subject to the Acme Drainage District's Canal reservations orded in Deed Book 1037, Pages 686-692. Said property located approximately 1 mile west of S.R. 7 (U.S.441) and approximately 1.7 miles south of West Forest Hill Boulevard 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. Petitioner shall convey for the ultimate right-of-way of:
 - a) Lake Worth Road, 120 foot on an alignment approved by the County Engineer.
 - b) South Road, 80 foot at right-of-way.

All rights of way shall be conveyed within 90 days of

approval and conveyances must be accepted by Palm Beach County prior to issuance of the first building permit.

3. Developer shall construct:

- a) South Road from existing limits of paving west to the project's westernmost access drive in Section 34 concurrent with the construction of the projects entrance roads onto South Road or upon notification by the County Engineer to provide paved continuity for South Road.
- b) Lake worth Road from S.R. 7 west to the project's west property line. This petitioner shall be responsible for any acquisition of Right-of-Way necessary for the construction of Lake Worth Road. The alignment of this right-of-way shall be approved by the County Engineer. Lake Worth Road shall be constructed concurrent with the filing of the first plat adjacent to Lake worth Road or upon notification by the County Engineer to provide paved continuity for Lake Worth Road. This development shall be limited however to 154 building permits until such time that both Lake Worth Road and South Road is constructed from S.R. 7 to the project.

4. A. The developer shall provide the construction plans for an additional 4-lane bridge over the LWDD E-1 Canal per the County Engineer's approval. The plan section shall include sidewalks. In addition, construction plans shall be submitted for the following turn lanes at the intersection of Lake Worth Road and S.R. 7.

- a. dual left turn lanes, north approach
- b. dual left turn lanes, south approach
- c. dual left turn lanes, east approach
- d. dual left turn lanes, west approach
- e. right turn lanes, north approach
- f. right turn lane, south approach
- g. right turn lane, east approach
- h. right turn lanes, west approach

These plans shall be completed within twelve months of Special Exception approval or prior to the issuance of the 101st Building Permit, whichever shall first occur.

B. The Developer shall construct an additional 4-lane bridge over the LWDD E-1 Canal on Lake Worth Road, per the County Engineer's approval. This construction shall also include turn lanes at the intersection of Lake Worth Road & S.R. 7 as required in this condition in the previous paragraph, as outlined below. This construction shall be for a 400 foot full section, plus the appropriate transitions to the existing two lanes.

- a. dual left turn lanes, north approach
- b. dual left turn lanes, south approach
- c. dual left turn lanes, east approach
- d. dual left turn lanes, west approach
- e. right turn lane, north approach
- f. right turn lane, south approach
- g. right turn lane, east approach
- h. right turn lane, west approach
- i. Signalization when required as determined by the County Engineer.

This developer shall also be responsible for any and all right-of-way acquisition costs incurred with the construction of these turn lanes and bridge construction as outlined above. It is the intent that the Right-of-way shall be acquired as shown on the Thoroughfare Right-of-way Protection Map "Special Intersections". Palm Beach County

will acquire this right-of-way at the developer's expense. This construction shall be completed within 24 months of Special Exception approval or prior to the issuance of 200 building permits, whichever shall occur first. This Petitioner shall also be required to post surety in the form of a clean irrevocable Letter of Credit within six months of Special Exception approval or prior to the issuance of a building permit. The amount of this letter of credit shall be based upon a certified Cost Estimate by the developer's engineer for the required plans and construction for the improvements of Lake Worth Road and S.R. 7.

5. Developer shall construct on S.R. 7 at South Road concurrent with the construction of South Road:

- a) right turn lane, north approach
- b) left turn lane, south approach
- c) right turn lane, west approach

6. Developer shall construct signalization at the intersection of:

- a) Lake Worth Road and S.R. 7
- b) South Road and S.R. 7

All signalization to be constructed when warranted, as determined by the County Engineer.

7. Developer shall construct a four-lane bridge over the E-1 Canal on Lake Worth Road, per the County Engineer's approval, concurrent with the improvements for the first plat however in no event later than 12 months of approval. This construction shall also include a left turn lane, and a right turn lane, east approach on Lake Worth Road at S.R. 7.

8. Developer shall construct on South Road at each of the project's proposed access drives concurrent with the construction of South Road:

- a) right turn lane, east approach
- b) left turn lane, west approach

9. Access to the proposed commercial parcels shall be from the internal collector roads only and shall not be located onto South Road, Lake Worth Road or along the north-south road adjacent to Section 23, 26 and 34.

10. The bridge and the intersection improvements as outlined in Condition No. 4, shall be credited toward the Fair Share Impact Fee of \$322,775.00 based upon a certified cost estimate by the developer's engineer.

If the "Fair Share Contribution of Road Improvements Ordinance" is amended to increase the Fair Share Fee, the Developer shall contribute the increased Fair Share Fee and receive credit for the construction in Condition No. 4 and 10.

11. Developer must dedicate the 28.5 acre civic site to the Palm Beach County, School Board without cost, at the time of the filing of the first plat.

- (a) The final configuration of the school site shall be of a **shape** that is acceptable to the School Board, and agreed upon by the School Board prior to the filing of the first plat.
- (b) Commercial pods located in the immediate vicinity of the school site shall be cooperatively agreed upon by the School Board and the petitioner, in efforts to minimize attractive nuisances to students.
- (c) Transfer of the title and warranty deed, and survey showing and describing the meets and bounds of the school site shall be delivered to the School Board prior to the filing of the first plat.

- (d) Petitioner shall provide primary access to the site from adjacent roadways. (Curb cuts, and proper left and right turning lanes in accordance to School Board and County Engineering guidelines). Secondary access for residents within the PUD will be cooperatively worked out between the School Board and petitioner prior to the filing of first plat.
- (e) Utilities (water and sewer) shall be brought to the school site property 1 ine.

12. Design of the road drainage of Lake Worth Road and South Road shall be accommodated through the internal lake system for this project to legal positive outfall, and shall be subject to all governmental agency requirements.

13. 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.

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

15. 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.

16. The developer shall reserve all of Section 34 and the western portion of Section 26 (identified as Phase 11) from active development until all other portions of the PUD have been developed. The active agricultural production on this land shall be developed. The active agricultural production on this land shall continue during this period. When these areas are ultimately developed, no trees shall be removed except those necessary for road right of way and home construction proposed. Continued grove production shall be encouraged even after residential development is implemented.

Commissioner Wilken, 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:

Ken Spillias, Chairman	-- AYE
Dorothy Wilkens, Vice Chairman	-- AYE
Peggy Eva t t, Member	-- AYE
Dennis P. Koehler, Member	-- AYE
Bill Bailey, Member	-- ABSENT

The foregoing resolution was declared duly passed and adopted this day of DEC 11 1984, confirming action of 26th July 1984.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: Sandy Sprague
County Attorney

By: Donna McWilliam
Deputy Clerk

