

RESOLUTION NO. R-86-847

RESOLUTION APPROVING ZONING PETITION 77-13(D), 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. 77-13(D) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 5th May 1986; 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code. The School Board of Palm Beach County has demonstrated that schools serving Petition No. 77-13(D) are currently at or above capacity.
2. The School Board has demonstrated the potential exists for Petition No. 77-13(D) to generate public school students.

In efforts to mitigate the public school impact from Petition No. 77-13(D), the petitioner has agreed to voluntarily participate in the School Site Acquisition Program by contributing \$350.00 per dwelling unit, total dwelling unit count of 700 dwelling units, for a total of \$175,000.00.

These funds shall be used by the School Board for expansion and/or construction of additional facilities to service the subject petition. Payment shall be made to the School Board of Palm Beach County, at time of filing of each plat within the subject petition.

Petitioner shall enter into formal agreement with the School Board to assure timely payment.

3. Petitioner voluntarily agrees for itself and its successors that until the abandonment of Kimberly Boulevard, the Old Cain Boulevard, and internal Streets of the Planned Unit Development is

~~effectuated, it will not be entitled to site plan approval for property lying west of Cain Boulevard, nor shall it be entitled to draw residential building permits for that area of the Planned Unit Development west of Cain Boulevard.~~

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 5th of May 1986, that Petition No. 77-13(D) the petition of BOCA GREENS, INC., By Carl Palmisciano, President for a ~~SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR A PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 77-13 TO ALLOW THE INCREASE OF DENSITY AND UNITS AND TO CHANGE THE HOUSING TYPE OF THE WEST 361 ACRES on land situate in Sections 11, 12, 13 and 14, Township 47 South, Range 41 East, being more particularly described as follows:~~

Lands in Section 12, Township 47 South, Range 41 East:

Bounded on the North: By a line 80.00 feet South of and parallel with as measured at right angles to, the North line of said Section 12. Said parallel line also being the South line of the Lake Worth Drainage District Right-of-Way, as recorded in Official Record Book 2979, Page 344.

Bounded on the East: By the East Right-of-Way line of Cain Boulevard as recorded in Official Record Book 2934, Page 1758.

Bounded on the South: By the South line of said Section 12.

Bounded on the West: By the West line of said Section 12.

Lands in Section 13, Township 47 South, Range 41 East:

Tracts 17 through 20 inclusive and Tracts 29 through 31 inclusive of said Section 13 as shown on the Plat of Florida Fruit Lands Company's Subdivision No. 2, as recorded in Plat Book 1, Page 102. Said lands being bounded on the East by the East Right-of-Way of Cain Boulevard as recorded in Official Record Book 2934, Page 1758.

Lands in Section 14, Township 47 South, Range 41 East:

The East 170.00 feet of the North 1/2 of the Northeast 1/4 of said Section 14.

Lands in Section 11, Township 47 South, Range 41 East:

The East 155.00 feet of Tracts 1 through 6 inclusive and the adjacent platted road being 15.00 feet in width, as shown on the Plat of

Florida Fruit Lands Company's Subdivision No. 2, as recorded in Plat Book 1, Page 102, less and excepting therefrom the North 80.00 feet for Lake Worth Drainage District Right-of-Way, as recorded in Official Record Book 2979, Page 344, together with the East 155.00 feet of Tracts 51 & 52 and the adjacent platted road being 15.00 feet in width, as shown on the Plat of Florida Fruit Lands Company's Subdivision No. 2, as recorded in Plat Book 1, Page 102, together with the East 155.00 feet of Tracts 54 through 56 inclusive and the adjacent platted road being 15.00 feet in width, as shown on the Plat of Florida Fruit Lands Company's Subdivision No. 2, as recorded in Plat Book 1, Page 102. Said property located on the west side of Cain Boulevard and on the north and south side of Kimberly Boulevard was approved as advertised subject to the following conditions:

1) Prior to site plan certification the master plan shall be revised to reflect the following:

a) Description of the features of the recreation packages.

~~b) A twenty five (25) foot landscape buffer along the outside perimeter of the proposed (150) foot wide lake system, landscaped buffer abutting the west right-of-way line of Cain Boulevard and the north and south right-of-way lines of Kimberly Boulevard shall not be disturbed during site development, except in enhancing the buffering qualities of said twenty five (25) foot landscaped buffer.~~

c) Phase lines if the project is to be developed with more than one plat.

2) Master planned areas designated for patio home development shall be developed pursuant to the provisions of zoning code Section 500.21.K.4.C., and the individual patio home lots shall be site planned to incorporate both the existing and created views, and the required private outdoor space.

3) Lots shall be site planned to ~~ameliorate negative visual impact~~ of the Florida Power and Light Company easement along the west perimeter of the site.

4) Pedestrian and or bike trails shall be constructed along New Cain Boulevard in a manner traversing the areas north and south of Kimberly Boulevard, ensuring safe and convenient pedestrian and or bikeway circulation connections between residential and recreation area features within Boca Greens P.U.D., and between residential and recreation areas features and similar pedestrian and bikeway features of surrounding recreational and residential areas.

5) 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.

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

7) Condition No. 7 which states:

"7. Developer shall provide access (24 feet in width) to the 94.5 acres for future County Park located in the northwest corner of the project."

is hereby amended to state:

"7. The property owner shall provide paved access (24 feet of pavement) and six (6) inch water main and four (4) inch sewer force main to the proposed Palm Beach County Park located in the southwest corner of this PUD from Cain Boulevard west to the Park's east property line per the Palm Beach County Park and Engineering Department's approval and shall dedicate to Palm Beach County 80 foot right-of-way for this roadway."

8) Condition No. 10 which states:

"10. Maximum allowable density shall not exceed one thousand fifty seven (1,057) units."

is hereby deleted.

9) 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.

10) The property owner shall convey for the ultimate right-of-way required for a 120' ultimate section of Yamato Road on an alignment approved by the County Engineer within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

11) The Developer shall design and construct Yamato Road (2-12 foot travel lanes) including six (6) inch water main and four (4) inch sewer force main from Cain Boulevard to the proposed Palm Beach County Park's east property line when required by the Parks Department and the County Engineer.

12) The property owner shall provide Palm Beach County with a road drainage easement with sufficient retention/detention capacity through this project's internal lake system to legal positive outfall for the road drainage of Cain Boulevard and Yamato Road.

This drainage easement shall be subject to all governmental agency requirements.

13) The property owner shall pay a Fair Share 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. The Fair Share Fee for this project presently is \$706,716.00.

14) Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$353,358.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$1,060,074.00) to be paid prior to January 1, 1988.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$353,358.00 shall be credited toward the increased Fair Share Fee.

15) The property owner shall construct at the intersection of Yamato Road and SR 7:

- a) Left Turn Lane South Approach
- b) Right Turn Lane North Approach
- c) Left Turn Lane West Approach

BOOK 566 PAGE 439

86

847

d) Signalization when warranted as determined by the County Engineer.

16) The property owner shall construct at the intersection of Cain Boulevard and Yamato Road:

a) Left Turn Lane East Approach

b) Right Turn Lane South Approach

c) Signalization when warranted as determined by the County Engineer.

17) The final alignment of the proposed Cain Boulevard shall be approved by the County Engineer.

18) The property owner shall construct Cain Boulevard from Yamato Road to the project's south property line at the time of the filing of the adjacent plats or when required by the County Engineer for paved continuity for Cain Boulevard.

19) In order to comply with the mandatory traffic performance standards the property owner shall be subject to the following phasing plan:

a) No more than 471 building permits shall be obtained until SR 7 has been constructed as a four (4) lane section from Kimberly Boulevard to Glades Road.

b) No more than 471 building permits shall be obtained until Glades Road has been construction as a four (4) lane section from SR 7 to Lyons Road.

c) No more than 471 building permits shall be obtained until Palmetto Park Road has been constructed from Powerline Road to SR 7.

d) No more than 625 building permits shall be obtained until Yamato Road has been constructed as a two (2) lane section from SR 7 to Powerline Road.

20) The property owner shall provide the construction plans for Yamato Road as a six (6) lane, median divided section from Jog Road/Powerline Road east to SR 441 (excluding the bridge over the Florida Turnpike). These construction plans shall be per Palm Beach County; minimum construction plan standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed prior to the issuance of 200 building permits or April 1, 1987 whichever shall first occur. Construction plan costs shall be approved by the County Engineer.

21) The property owner shall construct or fund the construction of ~~Yamato Road as a two (2) lane section from the east right-of-way~~ line of the Florida Turnpike to Jog/Powerline Roads prior to January 1, 1988 or when required for paved continuity for Yamato Road as determined by the County Engineer.

NOTE: This property owner has requested that Palm Beach County assume the obligation to fund the Yamato Road overpass over the Florida Turnpike. The estimated cost of a three lane structure is 3 million dollars (\$3,000,000). The property owner is requesting the Board of County Commissioners assume this obligation by the Fiscal Year 1992-1993.

22) Surety required for the aforementioned plans and construction shall be posted with the County Engineer's office prior to December 1, 1986.

BOOK 566 PAGE 440

23) Credit for the impact fee shall be given for the work performed in Condition No.'s 11, 20, and 21 as permitted in the Fair Share Ordinance.

24) The maximum density shall be limited to 1.66 du/acre.

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

Karen T. Marcus, Chairman	ABSENT
Jerry L. Owens, Vice Chairman	AYE
Ken Spillias, Member	NAY
Dorothy Wilken, Member	AYE
Kenneth M. Adams, Member	ABSENT

The foregoing resolution was declared duly passed and adopted

this 10th day of June, 1986 confirming action of the 5th May 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK:

BY: *Barbara O'Leary*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Andy Sprague*  
County Attorney

FILED THIS 10<sup>th</sup> DAY OF June 1986  
 AND RECORDED IN  
 MINUTE BOOK NO. 187 AT  
 PAGE 33 RECORD VERIFIED  
 JOHN B. DUNKLE, CLERK  
 BY *John B. Dunkle*

BOOK 566 PAGE 441

86 / 847