

RESOLUTION NO. R-90-46

RESOLUTION APPROVING ZONING PETITION NO. **86-25(B)**
SPECIAL EXCEPTION PETITION OF ARET 2 CORPORATION

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 have been satisfied; and

WHEREAS, Petition No. **86-25(B)** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July **27, 1989**; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, this approval is subject to Zoning Code Section **402.9** (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, **402.5** of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. **86-25(B)** the petition of ARET 2 CORPORATION, by Robert Bentz, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR NORTHTREE PLANNED UNIT DEVELOPMENT, INCLUDING A DAY CARE CENTER AND EDUCATIONAL INSTITUTION, TO INCREASE THE DENSITY OF THE PLANNED UNIT DEVELOPMENT on a parcel of land lying on a parcel of land lying in Sections **9, 10** Township **45** South, Range **42** East blocks **40** and **41**, Palm Beach Farms CO., Plat No.3, according to the Plat thereof as recorded in Plat Book **2**, Page **49** of being more particularly described as follows:

Commencing at a point in the West line of Tract **9**, of said block **40**, being **30.00** feet Southerly from the Northwest corner of said Tract **9**; thence South **00** Degrees **44' 33"** West, along said West line, a distance of **30.00** feet; thence South **89** Degrees **07' 20"** East along a line parallel with and **60.00** feet South of (As Measured at Right Angles To) the North line of said Tract **9**, a distance of **29.00** feet; thence South **00** Degrees **44' 33"** West parallel to the West line of said block **40**, a distance of **89.87** feet to the point of curvature of a curve concave to the Northeast having a radius of **1484.82** feet, thence Southerly and Southeasterly along the arc of said curve through a central angle of **27** Degrees **44' 33"**, a distance of **78.94** feet to the point of tangency; thence South

27 Degrees 00' 00" East, a distance of 150.00 feet to the point of curvature of a curve concave to the West having a radius of 1801.46 feet; thence Southeasterly, Southerly and Southwesterly along the arc of said curve, through a central angle of 54 Degrees 30' 00", a distance of 1713.56 feet to the point of tangency; thence South 27 Degrees 30' 00" West, a distance of 849.99 feet; thence South 17 Degrees 30' 00" East, a distance of 85.36 feet; thence South 27 Degrees 30' 00" West along a line radial to the next described curve, a distance of 80.00 feet to the radial intersection of previously said curve and the Point of Beainning. Said curve being concave to the Southwest, having a radius of 560.00 feet: thence Southeasterly along the arc of said curve through a central angle of 13 Degrees 30' 00", a distance of 131.95 feet to the point of tangency; thence South 49 Degrees 00' 00" East, a distance of 829.99 feet to the point of curvature of a curve concave to the North having a radius of 1100.00 feet; thence Southeasterly, Easterly and Northeasterly along the arc of said curve through a central angle of 73 Degrees 07' 53", a distance of 1404.02 feet to the point of reverse curvature of a curve concave to the Southeast having a radius of 260.00 feet, thence Northeasterly and Easterly along the arc of said curve through a central angle of 33 Degrees 07' 53", a distance of 150.35 feet to the point of tangency, thence South 89 Degrees 00' 00" East, a distance of 712.70 feet; thence South 42 Degrees 54' 48" East, a distance of 36.02 feet to the intersection with the East line of Tract 54 of said block 40; thence South 03 Degrees 10' 25" West along said East line of Tract 54 and its Southerly extension, a distance of 323.27 feet to an intersection with the centerline of that certain 30.00 foot wide road right-of-way abandoned under Official Record Book 2213, Pages 967, lying between Tracts 54 and 55 of said block 40; thence South 05 Degrees 06' 20" West along the East line of said Tract 55, a distance of 315.42 feet to an intersection with the right-of-way of Jog Road, thence North 84 Degrees 53' 40" West along said right-of-way, a distance of 55.00 feet to the radial intersection with the arc of a curve concave to the Northwest having a radius of 2440.00 feet; thence Southerly and Southwesterly along the arc of said curve through a central angle of 27 Degrees 03' 52". A distance of 1152.56 feet to the intersection on the Northerly line of Tract 1 as shown on said Palm Beach Farms Co., Plat No. 3; thence North 88 Degrees 32' 03" West along the Northerly line of said Tract 1 and Westerly extension thereof, a distance of 2371.30 feet to an intersection with the Easterly line of Tract 64 of said block 40; thence South 05 Degrees 07' 22" West along said East line of Tract 64 and its Southerly extension, a distance of 188.92 feet; thence South 01 Degrees 41' 22" West to the Northerly line of Lake Worth drainage lateral canal 20 (As laid out and in use), a distance of 66.04 feet: thence North 88 Degrees 16' 52" West along the Northerly line of Lake (As laid out and in use), a distance of 523.13 feet; thence North 00 Degrees 44' 33" East along a line which is 296.00 feet West of and parallel with the centerline of that certain 50.00 foot wide road right of way (abandoned) lying between blocks 40 and 41, as shown on said plat of Palm Beach Farms Co., Plat No. 3, a distance of 1321.67 feet to the point of curvature of a curve concave to the Southeast having a radius of 2,157.37 feet; thence Northerly and Northeasterly along the arc of said curve through a central angle of 26 Degrees 45' 27", a distance of 1007.50 feet to the point of tangency; thence North 27 Degrees 30' 00" East, a distance of 349.99 feet; thence North 72 Degrees 30' 00" East, a distance of 35.36 feet to the Point of Beainning.

A parcel of land lying in Tract 59, 60, 67 and 68, block 40,

Palm Beach Farms Co., Plat No.3 according to the Plat thereof as recorded in Plat Book 2, Page 49 of the Public Records of Palm Beach County, Florida, and being more particularly described as follows: Commence at the Northeast corner of said Tract 60; thence bear South 00 Degrees 44' 33" West, along the East line of said Tract 60, a distance of 365.49 feet to the Point of Beginning: thence bear South 89 Degrees 07' 20" East, along a line parallel with the North line of said Tract 59, a distance of 200.00 feet; thence bear South 00 Degrees 44' 33" West, along a line parallel with the East lines of said Tracts 60 and 67, a distance of 545.00 feet; thence bear North 89 Degrees 07' 20" West, along a line parallel with the North lines of said Tracts 67 and 68, a distance of 400.00 feet: thence bear North 00 Degrees 44' 33" East, along a line parallel with the West lines of said Tracts 60 and 67, a distance of 545.00 feet; thence bear South 89 Degrees 07' 20" East, along a line parallel with the North line of said Tract 60, a distance of 200.00 feet to the Point of Beginning.

Together with the following described easements for ingress and egress 1) A 30 foot wide strip of land lying in Tracts 49 and 60, Block 40, and that certain 30 foot wide Road R/W (now abandoned on O.R.B. 2891, Pages 323-324) lying between said Tracts 49 and 60 as shown on Palm Beach Farms Co., Plat NO.3, According to the Plat thereof as recorded in Plat Book 2, Page 49 and being more particularly described as follows:

Begin at the Northeast corner of said Tract 60: thence bear North 00 Degrees 44' 33" East along the East line of said Tract 60, extended Northerly and along the East line of said Tract 49, a distance of 170.76 feet to the intersection with a curve being concave to the Northeast having a radius of 1100.00 feet and who's center bears North 13 Degrees 01' 48" East, thence run Northwesterly along the arc of said curve through a central angle of 01 Degrees 36' 16", a distance of 330.80 feet: thence bear South 00 Degrees 44' 43" West, along a line parallel with and 30.00 feet West of the East lines of said Tracts 49 and 60, a distance of 513.06 feet; thence bear South 89 Degrees 07' 20" East, along a line parallel with the North line of said Tract 60, a distance of 30.00 feet; thence bear North 00 Degrees 44' 33" East, along the East line of said Tract 60, a distance of 335.49 feet to the Point of Beginning.

2) A 30 foot wide strip of land lying in Tracts 59 and 60, block 40 according to Palm Beach Farms Co., Plat No.3, as recorded in Plat Book 2 on page 49 being more particularly described as follows: Commence at the Northeast corner of said Tract 60; thence bear South 00 Degrees 44' 33" West along the East line of said Tract 60, a distance of 335.49 feet to the Point of Beginning: thence bear South 89 Degrees 07' 20" East along a line parallel with the North line of said Tract 59, a distance of 100.00 feet; thence bear South 00 Degrees 44' 33" West along a line parallel with the West line of said Tract 59, a distance of 30.00 feet: thence bear North 89 Degrees 07' 20" West along a line parallel with the North lines of said Tracts 59 and 60, a distance of 300.00 feet: thence bear North 00 Degrees 44' 33" East along a line parallel with the East line of said Tract 60, a distance of 30.00 feet: thence bear South 89 Degrees 07' 20" East along a line parallel with the North line of said Tract 60, a distance of 200.00 feet to the Point of Beginning, being located on the west side of Jog Road, approximately .7 mile south of Hypoluxo Road in a RTS-Residential Transitional Zoning District, was approved on July 27, 1989, as advertised, subject to the following conditions:

1. All previous conditions of approval shall apply unless expressly modified herein.
2. Condition **No.** 17 of Resolution R-86-639, which presently states:

"17. The density of this project shall not exceed **2.5** dwelling units per acre,"

is hereby amended to read:

"The density of this project shall not exceed 2.67 dwelling units per acre."
3. All property included in the legal description of this petition shall be subject to a declaration of restrictions and covenants acceptable to the County Attorney's office which shall provide, among other things, for the formation of a single master property owner's association and automatic membership in the master association by any party holding title to any portion of the property included in the PUD.
4. Prior to Site Plan Review Committee approval, the master development plan shall be amended to satisfy all minimum property development regulations and land development requirements.
5. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
7. The Developer 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.
8. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
9. Condition **No.** 11 of Resolution **No.** R-86-640, which presently states:

"11. The interior main east-west roadway shall be a minimum of 80 feet of right-of-way. The property owner shall provide access from the site onto proposed Hagen Ranch Road. At such time as Hagen Ranch Road is constructed this property owner shall construct at the intersection of Hagen Ranch Road and project's entrance:

 - a. left turn lane, north approach;
 - b. right turn lane, south approach; and,
 - c. left turn lane, east approach"

Condition No. 11 is hereby amended to state:

"There shall be no dwelling units fronting onto the eighty (80) foot east/west collector roadway. A limited access easement shall be platted along this roadway to ensure that vehicles accessing dwelling units along this road are not required to "back-up" into the road right-of-way. The single family units shall be accessed by an internal local right-of-way, meeting standards of the Subdivision Ordinance subject to approval by the County Engineer."

- 10. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair -- AYE
Ron Howard -- AYE
Karen T. Marcus -- AYE
Carole Phillips -- AYE
Carol Roberts -- AYE

The Chair thereupon declared the resolution was duly passed and adopted this 2nd day of January, 1990.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: [Signature] COUNTY ATTORNEY

BY: [Signature] DEPUTY CLERK

