

RESOLUTION NO. R-96-1364

RESOLUTION APPROVING ZONING PETITION DOA83-121C  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF LAKES AT BOCA RATON HOMEOWNER'S ASSOCIATION, INC.  
BY KEVIN RATTERREE, AGENT  
(LAKES AT BOCA RATON PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA83-121C was presented to the Board of County Commissioners at a public hearing conducted on September 26, 1996; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA83-121C, the petition of Lakes at Boca Raton Homeowner's Association, Inc., by Kevin Ratterree, agent, for a Development Order Amendment (DOA) to delete land area (7.10 acres) from a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on September 26, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt Aaronson, Vice Chair	--	Absent
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye


The Chair thereupon declared that the resolution was duly passed and adopted on September 26, 1996.


APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

DOA Legal Description  
Lakes at Boca Raton PUD

88-1210

FILL 10/27/00

APR 15 2001

Tracts 33 through 48; 54; 55; and 57 through 63 of Section 1, Township 47 South, Range 41 East, according to the Plat thereof recorded in Plat Book 1, Page 102 and the Southeast 1/4 of Section 2, Township 47 South, Range 41 East, less the West 165 feet of the East 335 feet thereof, located on the west side of State Road 7 (U.S. 441), bounded on the north by 185th Street South and on the south by 190th Street South and containing 430.45 acres, more or less;

LESS a parcel of land lying in a portion of Section 2, Township 47 South, Range 41 East, Palm Beach County, Florida and said land being more particularly described as follows:

All of the Southeast Quarter of aforesaid Section 2, LESS the East 170.00 feet thereof and containing 149.185 acres, more or less, and subject to easements and rights-of-way of record; AND

LESS, a parcel of land lying in Section 1, Township 47 South, Range 41 East, said parcel of land being a portion of the "Replat of a Portion of Lakes at Boca Raton - Phase I" as recorded in Plat Book 68, Page 103 of the Public Records of Palm Beach County, Florida, said parcel being more particularly described as follows:

BEGINNING at the Northeast corner of said "Replat of Lakes of Boca Raton - Phase I"

THENCE with a bearing of S. 00 degrees 57' 55" E., along the west right-of-way line of State Road 7 for a distance of 100.00 feet to a point;

THENCE with a bearing of S. 89 degrees 34' 23" W., for a distance of 184.51 feet to a point;

THENCE with a bearing of S. 00 degrees 19' 55" E., for a distance of 179.00 feet to a point;

THENCE with a bearing of S. 44 degrees 37' 14" W., for a distance of 56.52 feet to a point;

THENCE with a bearing of S. 89 degrees 34' 23" W. for a distance of 418.96 feet to a point;

THENCE with a bearing of S. 41 degrees 09' 50" W., for a distance of 37.40 feet to a point;

THENCE with a bearing of S. 07 degrees 14' 43" E., for a distance of 163.20 feet to a point;

THENCE with a bearing of S. 57 degrees 14' 16" E., for a distance of 38.30 feet to a point on the north right-of-way line of Yamato Road;

THENCE with a bearing of S. 72 degrees 46' 11" W., along said north right-of-way line of Yamato Road for a distance of 132.00 feet to a point;

THENCE with a bearing of N. 32 degrees 45' 44" E., for a distance of 32.14 feet to a point;

THENCE with a bearing of N. 07 degrees 14' 43" W., for a distance of 201.56 feet to a point;

THENCE with a bearing of N. 48 degrees 50' 10" W. for a distance of 33.19 feet to a point;

THENCE with a bearing of S. 89 degrees 34' 23" W., for a distance of 149.24 feet to a point of curvature concave to the South;

THENCE run Southwesterly along the arc of said curve, having a radius of 55.00 feet, and a central angle of 18 degrees 29' 00, for an arc distance of 17.74 feet to a point of tangency;

THENCE with a bearing of S. 71 degrees 05' 23" W., for a distance of 25.33 feet to a point on the Westerly boundary of aforesaid "Replat of a Portion of Lakes at Boca Raton - Phase I";

THENCE with a bearing of N. 22 degrees 58' 26" W., along said Westerly boundary of "Replat of a portion of Lakes at Boca Raton - Phase I", for a distance of 357.17 feet to the Northwest corner of said "Replat of a Portion of Lakes at Boca Raton - Phase I";

THENCE with a bearing of N. 89 degrees 34' 23" E., for a distance of 1101.40 feet to the POINT OF BEGINNING; containing 7.10 acres, more or less.

ALL CONTAINING A TOTAL OF 274.165 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

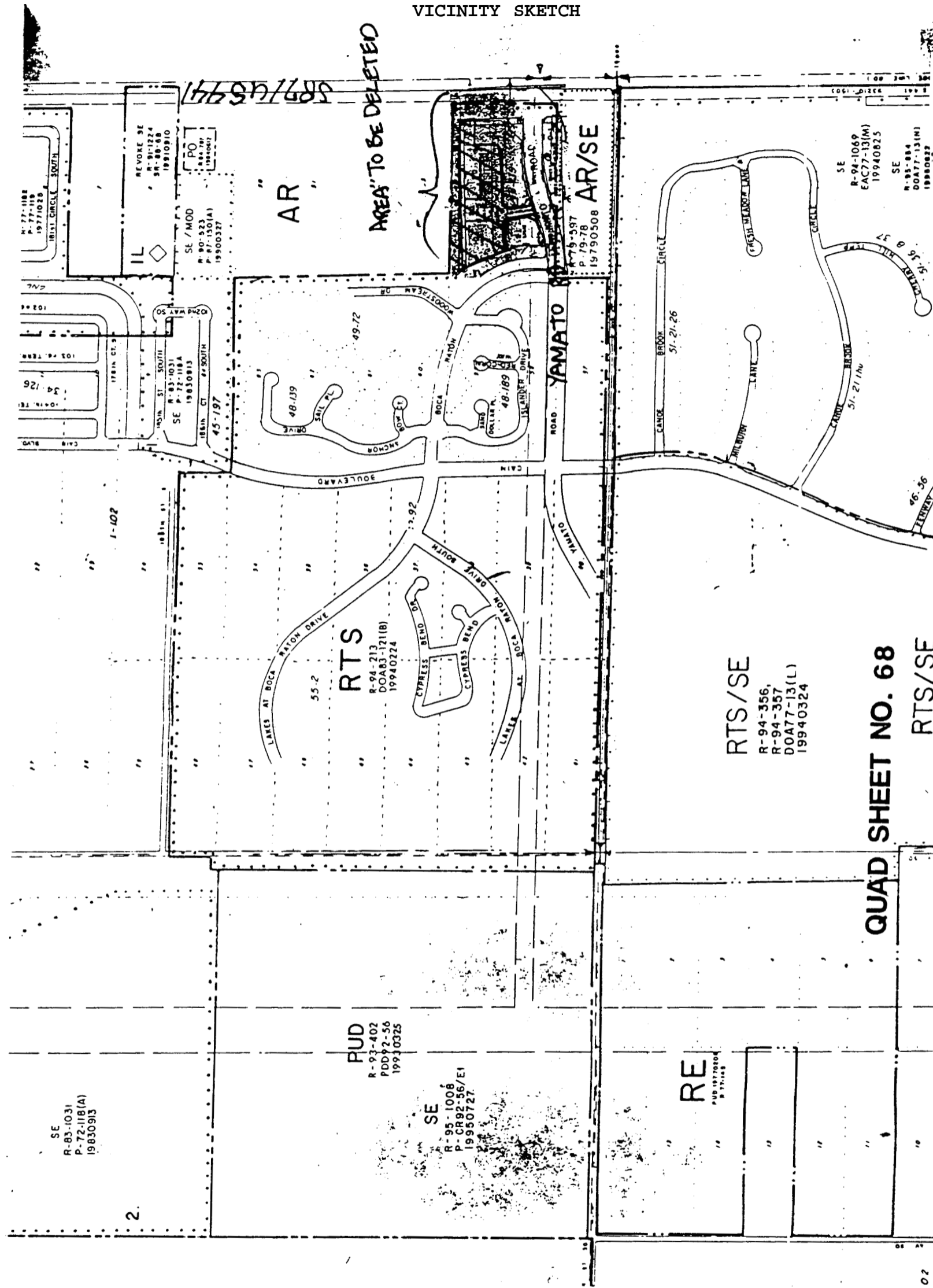


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. **ALL PETITIONS**

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-93-401 (Petition 83-121(B)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

B. **HEALTH**

1. **Sewer service** is available to the property. Therefore, **no septic tank** shall be permitted on the site. All **existing on-site sewage disposal systems** must be **abandoned** in accordance with Chapter 10D-6, PAC and Palm Beach County **ECR-I**. (Previously Condition C.1 of Resolution R-93-401, Petition 83-121(B)) (HEALTH)
2. **Water service** is available to the property. Therefore, **no well** shall be permitted on the site to provide **potable water**. All **existing on-site potable water supply systems** must be **abandoned** in accordance with Palm Beach County **ECR-II**. (Previously Condition C.2 of Resolution R-93-401, Petition 83-121(B)) (HEALTH)

C. **LANDSCAPING ALONG THE EAST PROPERTY LINES**

1. Prior to site plan certification by the Development Review Committee (DRC) the petitioner shall submit a **landscape plan** that is acceptable to the zoning division for the required landscape buffer along S.R.7. The required landscaping shall, at a minimum include the following:
  - a. **An additional twenty five (25) foot landscape buffer** along the east boundary of the PUD where it **abuts S.R.7**;
  - b. **One (1) canopy tree** for every thirty (30) linear feet of frontage along S.R.7. A canopy tree may be substituted by three (3) palms; and
  - c. **One (1) thirty inch shrub** for every twenty four (24) inches of frontage along S.R.7.

**The required plant material may be planted in clusters on the east and west perimeters of the adjacent lake. Landscaping along the west perimeter of the lake, in accordance with this condition, shall not be credited toward any other required buffer.** (Previously Condition D.1 of Resolution R-93-401, Petition 83-121(B)) (ZONING)

D. PROPERTY OWNERS ASSOCIATION

1. All property included within the legal description of the petition shall be subjected to a Declaration of **Restrictions and Covenant** acceptable to the County Attorney's office which shall, among other things, provide for: Formation of a single "master" property owner's association, automatic voting membership in the "master" association by any party holding title to any portion of the property included in the Planned Unit Development (PUD), and assessment of all members of the "master" association for the cost of maintaining the PUD's common areas. The property shall not be subjected to the **Declaration of Restrictions** in phases, and approval of the Declaration must be obtained from the County Attorney's Office prior to the recordation of the first plat of any portion of the Planned Unit Development. (Previously Condition F.1 of Resolution R-93-401, Petition 83-121(B)) (COUNTY ATTORNEY)

E. ENGINEERING

1. The developer shall acquire any necessary rights-of-way and shall construct any off-site canals necessary to accomplish connection to the Lake Worth Drainage District Canal System. (Previously Condition E.1 of Resolution R-93-401, Petition 83-121(B)) (ENG)
2. The Master Plan shall be amended to reflect the following:
  - a. realignment of the right of way for Yamato Road per the county Engineer's Approval.
  - b. Identification and preservation of areas of existing significant vegetation.
  - c. designation of the required 25 foot perimeter buffer. (Previously Condition E.3 of Resolution R-93-401, Petition 83-121(B))
3. Condition E.4 of Resolution R-93-401, Petition 83-121(B), which states:

The petitioner shall provide the construction plans for S.R. 7 as a 4-lane median divided section, compatible with the Department of Transportation typical section from South of Glades Road through Kimberly Boulevard to include the appropriate tapers, per the County Engineers' approval. These plans shall be completed within 6 months of Special Exception approval or prior to the issuance of a Certificate of Occupancy, whichever first occurs. (ENG)

[Condition has been satisfied.]

4. Condition E.5 of Resolution R-93-401, Petition 83-121(B), which states:

The developer shall acquire 200 feet of right-of-way for S.R. 7 west of the west right-of-way line of Lake Worth Drainage District E-1 Canal, from south of Glades Road through Kimberly Boulevard including 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 12 months of Special Exception approval, or prior to the issuance of

a Certificate of Occupancy, whichever first occurs. Palm Beach County will acquire this right-of-way at the developer's expense. (ENG)

[Condition has been satisfied.]

5. Condition E.6 of Resolution R-93-401, Petition 83-121(B), which states:

The developer shall construct S.R. 7 as a 4-lane divided section from Glades Road through Kimberly Boulevard to include the appropriate tapers, per the County Engineers 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 Florida Department of Transportation prior to the issuance of 200 Certificates of Occupancy or within two (2) years of Special Exception approval, whichever first occurs. (ENG)

[Condition has been satisfied.]

6. Condition E.7 of Resolution R-93-401, Petition 83-121(B), which states:

The developer shall construct at the project's entrance onto S.R. 7 concurrent with the filing of the first plat:  
a) Right Turn Lane, North approach.  
b) Left Turn Lane, South approach. (ENG)

[Condition has been satisfied].

7. The developer shall install signalization at the intersection of S.R. 7 and the project's entrance when warranted as determined by the County Engineer, but shall be no later than five (5) years after the issuance of the final Certificate of Occupancy. (Previously Condition E.8 of Resolution R-93-401, Petition 83-121(B)) (ENG)

[Developers cost of complying with this condition shall be credited toward the Traffic Impact Fees from this project]

8. 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 180 days of Special Exception approval. (Previously Condition E.10 of Resolution R-93-401, Petition 83-121(B)) (ENG)
9. The property owner shall convey for the ultimate right-of-way of State Road 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 approval; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. (Previously Condition E.12 of Resolution R-93-401, Petition 83-121(B)) (ENG)
10. Prior to December 15, 1994, or prior to the recordation of the next plat, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

a) Yamato Road, 120 feet in width plus sufficient right-of-way to provide for the road relocation

through the PPL easement along the project's west property line (a maximum of 15 feet in width plus a taper length of 600 feet). (Previously Condition E.13 of Resolution R-93-401, Petition 83-121(B)) (DATE: ENG)

11. Prior to December 15, 1993 or prior to the recordation of the next plat, the Property owner shall convey to Palm Beach County adequate road drainage easement through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Yamato Road, SR 7, and Cain Bl along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Yamato Road, Cain Bl, and SR 7. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (Previously Condition E.14 of Resolution R-93-401, Petition 83-121(B)) (DATE: MONITORING-Eng)

12. Condition E.15 of Resolution R-93-401, Petition 83-121(B), which states:

The developer shall construct 2-lane Cain Boulevard from the project's north property line south to the project's south property line. This construction shall be completed prior to December 1, 1989. One-hundred (100) percent approved and permitted construction plans shall be submitted to the office of the County Engineer prior to March 1, 1989. Construction plans shall be in accordance with Palm Beach County's minimum construction plans as they presently exist or as they may from time to time be amended. (ENG)

[Condition has been satisfied].

13. The property owner shall dedicate to the Palm Beach County Parks Department the  $8 \frac{1}{2}$  acre "Municipal Site" prior to July 1, 1988. (Previously Condition E.16 of Resolution R-93-401, Petition 83-121(B)) (ENG)
14. The petitioner shall include in all homeowners documents, as well as all written sales brochures, Master Plans and related site plans, a disclosure statement identifying all planned roadway adjacent or through the petition property which are included in the County's Thoroughfare Plan or Five Year Road Program, currently Yamato Road. The Developer/Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of the Planning, Zoning, and Building Department beginning January 1, 1994 until all units within the development have been sold or the developer relinquishes control to the homeowners association. (Previously Condition E.17 of Resolution R-93-401, Petition 83-121(B)) (ONGOING/DATE: MONITORING-Eng)



F. SIGNS

1. **Signage** for Parcel A entry shall be limited to a **maximum** of two (2) signs mounted on the **existing** walls fronting on **Yamato Road**. Each wall sign shall be limited to **forty-eight** (48) inches in height and **twenty** (20) square feet of face area. (Previously Condition G.1 of Resolution R-93-401, Petition 83-121(B)) (ZONING)

G. USE LIMITATION

1. Condition H.1 of Resolution R-93-401, Petition 83-121(B), which currently states:

"The northeastern seven (7) acre parcel shall be limited to:

- a. A 2.0 acre commercial parcel with a **total** square footage of 20,070 building area. The commercial **area** shall be limited to neighborhood **commercial** office and retail **uses** which provide services to the residents of the Planned Unit Development.
- b. A 1.5 acre day care parcel which shall be limited to 6,260 **square** feet of building area.
- c. The remaining 3.5 acres of land shall be designated open space and developed as an entrance feature for the development.

Is hereby deleted. [REASON: Parcel is deleted by this petition.]

2. Condition H.2 of Resolution R-93-401, Petition 83-121(B), which currently states:

The day care facility shall be limited to a **maximum** of 135 children and ten (10) employees.)

Is hereby deleted. [REASON: Parcel is deleted by this petition.]

3. Condition H.3 of Resolution R-93-401, Petition 83-121(B), which currently states:

The hours of operation of the commercial and day care center shall be limited to **6:30 a.m.** to **11:00 p.m.**

Is hereby deleted. [REASON: Parcel is deleted by this petition.]

4. 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. (Previously Condition H.4 of Resolution R-93-401, Petition 83-121(B))
5. The developer shall take reasonable precautions during the development of this property to prevent pollutant **run-off** to neighboring and nearby surface **waters**. (Previously Condition H.5 of Resolution R-93-401, Petition 83-121(B))

## H. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
  - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
  - d. Referral to code enforcement; and/or
  - e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.  
(MONITORING)