

RESOLUTION NO. R-97-374

RESOLUTION APPROVING ZONING PETITION DOA78-05(E)
DEVELOPMENT ORDER AMENDMENT
PETITION OF GEORGE T. KELLY IV
BY ROBERT BASEHART, AGENT
(HAMPTONS 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 DOA78-05(E) was presented to the Board of County Commissioners at a public hearing conducted on March 27, 1997; 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 PALMBEACH COUNTY, FLORIDA, that Zoning Petition DOA78-05(E), the **petition of George T. Kelly IV, by Robert Basehart, agent, for a Development Order Amendment (DOA) to delete** land area **(-2.72)** on 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 March 27, 1997, subject to the** conditions of approval **described** in EXHIBIT C, attached hereto **and** made a part hereof.

Commissioner Foster moved for **the** approval of the Resolution.

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

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

The **Chair** thereupon declared that the resolution was duly passed and adopted on March 27, 1997.

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

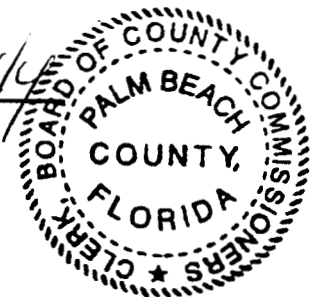


EXHIBIT A

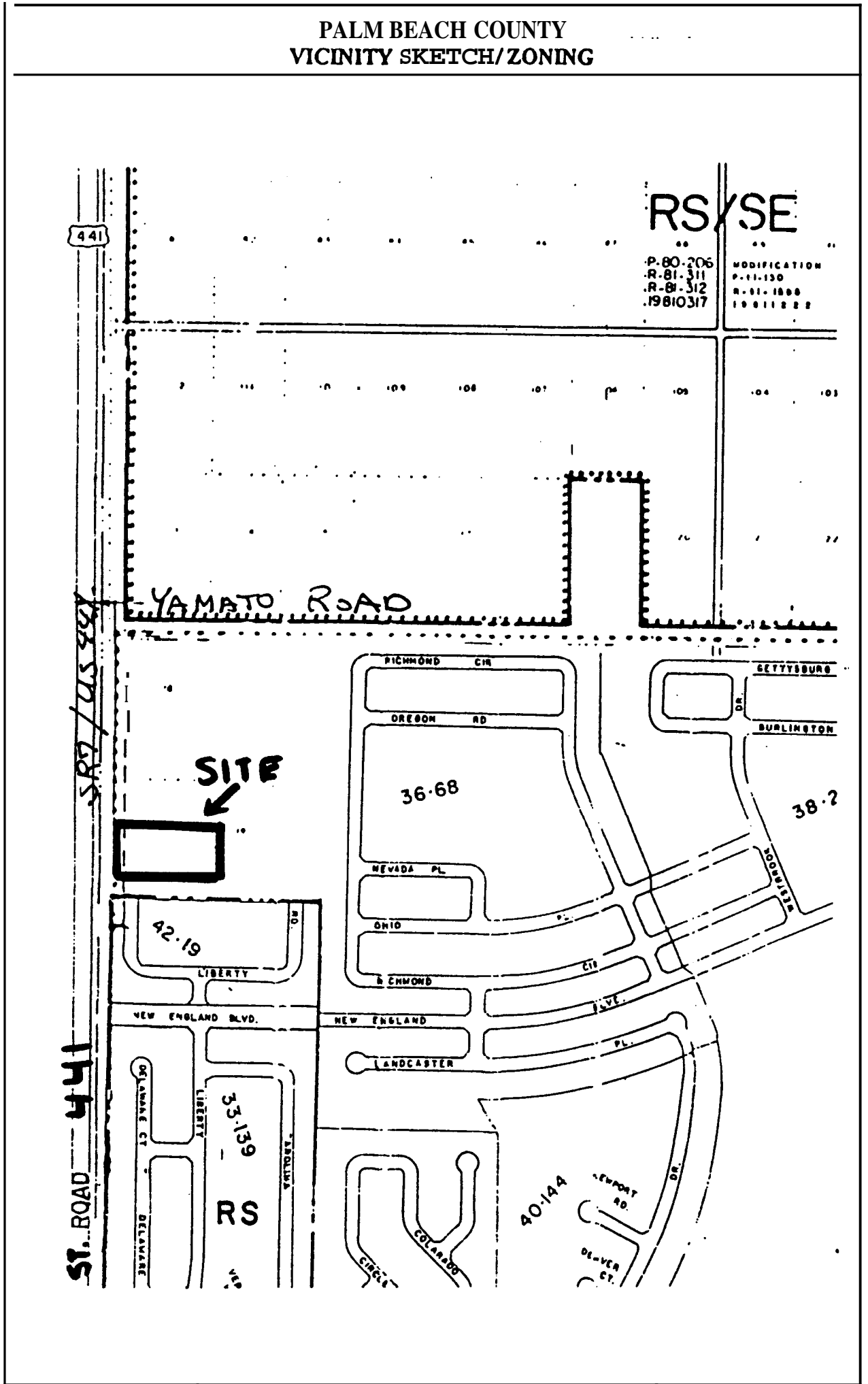
LEGAL DESCRIPTION

**HAMPTONS AT BOCA RATON PUB
LEGAL DESCRIPTION**

TRACTS 1 THROUGH 46, INCLUSIVE, TRACTS 51 THROUGH 78, INCLUSIVE, AND TRACTS 83 THROUGH 96, INCLUSIVE, AND THE NORTH 433 FEET OF TRACTS 97 THROUGH 112, INCLUSIVE, BLOCK 74, TOGETHER WITH TRACTS 2 THROUGH 29, INCLUSIVE, TRACTS 32 THROUGH 59, INCLUSIVE, TRACTS 62 THROUGH 89, INCLUSIVE, TOGETHER WITH THE NORTH 433 FEET OF TRACTS 92 THROUGH 101, INCLUSIVE, AND TOGETHER WITH THAT PART OF TRACTS 1, 30, 31, 60, 61, AND 90, AND THE NORTH 433 FEET OF TRACT 91, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, ALL ~~IN~~ BLOCK 75, PALM BEACH COUNTY FARMS COMPANY, PLAT NO. 3 IN SECTIONS 7 AND 8, TOWNSHIP 47 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 2 , PAGES 45 THROUGH 54, LESS HOWEVER, THE WEST 215 FEET OF TRACTS 46, 51, 78, AND 83, BLOCK 74, ALSO LESS TRACT 17, BLOCK 74 , LESS AND EXCEPTING THEREFROM THE NORTH 190 FEET AND THE SOUTH 208 FEET, TOGETHER WITH THE ABANDONED 25 FOOT ROAD RIGHT-OF-WAY LYING WEST OF AND ADJACENT THERETO.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



RS/SE

P-80-206	MODIFICATION
R-81-311	P-11-150
R-81-312	R-11-1898
19810317	19811222

ST. ROAD 441
SRP/AS 984

SITE
↓

RS



Petition Number: DOA 78-05(E)

Zoning Quad Pag 1/20/96

Date: _____



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. Condition A.1 of Resolution R-93-1370, Petition **EAC78-05(C)**, which currently states:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines, unless expressly modified.

AND

Condition A2 of Resolution R-93-1370, Petition **EAC78-05(C)**, which currently states:

The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.

Are hereby amended to read:

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-93-1370 (Petition ~~78-05(C)~~), 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)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated January 19, 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN- DAY CARE CENTER - COMMERCIAL POD

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. The proposed structure for the day care center, shall be labeled as **"two-story"**.
 - b. The dumpster, if located outside, shall be completely screened by a six foot (**6'**) high solid fence and located away from the outdoor play area. (Previously Condition A.3 of Resolution R-93-1370, Petition **EAC78-05(C)**)
2. The day care center shall be limited to a maximum of **220** children. (Previously Condition A 4 of Resolution R-93-1370, Petition **EAC78-05(C)**)

3. **No outdoor loud speaker system** shall be permitted on site. (Previously Condition **A.5** of Resolution R-93-1370, Petition **EAC78-05(C)** .
4. The petitioner shall install adequate sign area to indicate the drop-off parking **stalls and** the parking spaces for the employees. (Previously Condition **A.6** of Resolution R-93-1370, Petition **EAC78-05(C)**)
5. Adequate directional sign area shall be installed to enable **users** to **access** and leave the site in a controlled manner. (Previously Condition **A 7** of Resolution R-93-1370, Petition **EAC78-05(C)**)
6. **The landscaping along the six foot (6') fence**, on the south perimeter of **the outdoor play area**, shall **be** upgraded to include a minimum of ten foot **(10') tall** native canopy trees spaced twenty feet **(20') on-center**. **A** minimum of one **(1)** twelve foot **(12)** tall tree shall be planted for each **500** square feet of outdoor activity area. (Previously Condition **D.1** of Resolution R-93-1370, Petition **EAC78-05(C)**)

C. PREM

1. Developer shall dedicate two **(2)** percent of the project **area** to Palm Beach County **or** other civic use as allowed by the Code to be **determined** by Palm Beach County. (Previously *condition* **B.1** of Resolution R-93-1370, Petition **EAC78-05(C)** (PREM))
2. Developer **shall** provide **an** additional **fifty (50)** acres of recreation area **to** be comprised of an eight **(8)** foot bike path system **throughout the project**; a passive **linear** park system forty **(40)** feet in width around the lake frontage; **and** three **(3)** piers for boating access to the lake, one **(1)** being located on each of the major recreation areas on the **lake**. In addition, within ninety **(90)** days of the Amendment of the Master Plan **approval** the Developer **shall** donate **fifty thousand dollars (\$50,000.00)** **to** Palm Beach County to be utilized **offsite** in **the Boca Greens Park** dedication area. (Previously Condition **B.2** of Resolution R-93-1370, Petition **EAC78-05(C)** (PREM))

D. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank **shall be** permitted on the site. (Previously Condition **F.1** of Resolution R-93-1370, Petition **EAC78-05(C)**)
2. Water **service** is available to the property. Therefore, no well shall be permitted **on** the site to provide potable water, (Previously Condition **F.2** of Resolution R-93-1370, Petition **EAC78-05(C)**)

E. ENGINEERING

1. 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 the **daycare** expansion is **\$26,235.00 (477 additional trips X \$55.00 per trip)** (Previously Condition **E.1** of Resolution R-93-1370, Petition **EAC78-05(C)** (IMPACT FEE CORD)).
2. Developer **shall** submit traffic impact analysis. (Previously Condition **E.2** of Resolution R-93-1370, Petition **EAC78-05(C)** . (ENG))

3. Developers shall submit Master Drainage Report including Design High Water, recurring high water for **twenty-five (25) year** period, flood elevation for **one hundred (100) year** storm and compatibility of drainage **facilities** within **lake Worth Drainage District** facilities. (Previously **Cond. E.3 of Reso. R-93-1370, Pet. EAC78-05(C)** (ENG)
4. Palm Beach **County** Engineering Department to provide **design** and drainage for Lyons Road to State Road **808** and said road shall be **constructed** by the developer. (Previously Condition E.4 of Resolution R-93-1370, Petition **EAC78-05(C)** . (ENG)
5. Developers shall improve and signalize the **intersections of** State Road **No.7** and development entrance roads, when recommended by the Department of Transportation. Developers shall provide State Road **No. 7** by- pass. (Previously Condition E.5 of Resolution R-93-1370, Petition **EAC78-05(C)** (ENG)
6. Developer shall construct Lyons Road within the property. (Previously Condition E.6 of Resolution R-93-1370, Petition **EAC78-05(C)** . (ENG)
7. Developer shall construct Lyons Road from the south property line to Glades Road as a **two-lane** section. **Palm Beach County Engineering Department shall provide desian and drainaae for this section of road.** (Previously **Condition E.7 of** Resolution R-93-1370, Petition **EAC78-05(C).** (ENG)
8. Developer shall construct Lyons Road within the project **hrs** as a **four-lane** section; the alignment of which shall be approved by the County Engineer. (Previously Condition E.8 of Resolution R-93-1370, Petition **EAC78-05(C)** . (ENG)
9. Developer shall construct a **left turn lane**, west approach, a right turn **lane** east approach, and a right turn lane and dual **left turn lane**, north approach, at **the** intersection of Lyons Road and Glades Road. The construction of a second left turn lane, north approach, shall be required when determined by the County Engineer. (Previously Condition E.9 of Resolution R-93-1370, Petition **EAC78-05(C)** (ENG)
10. Developer shall construct a right turn lane, south approach, at the intersection of Kimberly Boulevard and **S.R.7**. (Previously Condition **E.10 of Resolution** R-93-1370, Petition **EAC78-05(C)** . (ENG)
11. Developer shall signalize the intersection of Kimberly Boulevard and SR **7** when warranted as determined by the County Engineer. (Previously Condition E. 11 of Resolution R-93-1370, Petition **EAC78-05(C)** (ENG)
12. Developer shall construct a left turn lane, north approach, and a right turn lane, south approach, at **the** intersection of New England Boulevard and **S.R. 7**. (Previously Condition **E.12 of** Resolution R-93-1370, Petition **EAC78-05(C)** (ENG)
13. **Developers shall** construct left and right turn **lanes at the** west, **north** and **south approaches at** the intersection of Kimberly Boulevard and Lyons Road. (Previously **Condition E.13 of** Resolution R-93-1370, Petition **EAC78-05(C)** (ENG)

14. Developer **shall** signalize the intersection of Kimberly Boulevard and Lyons Road when warranted **as** determined by the County Engineer. (Previously Condition **E. 14** of Resolution R-93-1370, Petition **EAC78-05(C)** **(ENG)**)
15. Developer shall construct a left turn lane, south approach, **and** a left **turn lane**, west approach, at the **intersection of** New England Boulevard and Lyons Road (Previously Condition E.15 of Resolution R-93-1370, Petition **EAC78-05(C)** (ENG)
16. Developers **shall** signalize the intersection of New England Boulevard and Lyons Road when warranted **as determined** by the County Engineer. (Previously Condition **E. 16** of Resolution R-93-1370, Petition **EAC78-05(C)** . (ENG)
17. Developer shall construct a left turn lane, south approach, at the main entrance to the golf course clubhouse on Lyons Road. (Previously **Condition E.17 of** Resolution **R-93-1370**, Petition **EAC78-05(C)** (ENG)
18. Developer **shall** construct a right turn lane, south approach, at the intersection **of the** north entrance road and Lyons Road. (Previously Condition **E. 18 of** Resolution **R-93-1370**, Petition **EAC78-05(C)** **(ENG)**)
19. Developer **shall** provide access **to the major recreational tract on** Lyons Road from **within** the multi-family area and no **permanent** driveways shall be allowed to Lyons Road **A. temporary driveway to the sales office shall be** allowed during initial construction. (Previously Condition **E. 19 of** Resolution R-93-1370, Petition **EAC78-05(C)** (ENG)
20. Developer shall signalize the intersection of Lyons Road and Glades Road when warranted as determined by the County Engineer. Developer's participation in this requirements shall be **limited to a pro-rata share of total** cost based upon traffic volumes at the **time the traffic** warrant is **met**, as determined by the County Engineer. (Previously **Condition E.20 of** Resolution R-93-1370, Petition **EAC78-05(C)** (ENG)
21. Developer **shall** construct a left turn lane, east approach, at the **intersection of** Kimberly Boulevard and the shopping center entrance. The entrance **shall be** located a minimum of six hundred sixty (**660**) feet from the centerline of Lyons Road. (Previously Condition **E.21 of** Resolution **R-93-1370**, Petition **EAC78-05(C)** (ENG)
22. Developer shall construct a left turn lane, south approach, at the intersection of Lyons Road and the shopping center entrance. The location **of** the entrance road shall be approved by the County Engineer. (Previously Condition **E.22 of** Resolution **R-93-1370**, Petition **EAC78-05(C)** (ENG)
23. The main entrances to the shopping center on both Kimberly Boulevard and Lyons Road shall be **two (2)** lanes in and **two (2)** lanes out. (Previously Condition **E.23 of** Resolution R-93-1370, Petition **EAC78-05(C)**. **(ENG)**)

F. SCHOOL BOARD

1. **Within seven (7) days of the Amendment of the Master Plan approval the Developer shall donate fifty thousand dollars (50,000.00) to the School Board of Palm Beach County.** (Previously Condition C.1 of Resolution R-93-1370, Petition **EAC78-05(C)** (SCHOOL BOARD))

G. SWA

1. **The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available.** (Previously Condition G.1 of Resolution R-93-1370, Petition **EAC78-05(C)**)

H. MONITORING

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)