

RESOLUTION NO. R- 85-36

RESOLUTION APPROVING ZONING PETITION 84-113, 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. 84-113 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2^{4th} of August 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 proposal 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 the 2^{4th} of August 1984, that Petition No. 84-113 the petition of BLUE CRAB ASSOCIATES, INC., By William R. Boose, 111, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land in Sections 25 and 36, Township 42 South, Range 41 East, being more particularly described as follows:

Section 25 less the East 200 feet thereof and Section 36 less the East 200 feet and the South 330 feet thereof. Said property located on the west side of State Road No. 7 (U.S. 441), approximately 1 mile south of Northlake Boulevard was approved as advertised subject to the following conditions:

1. The developer shall relocate and/or preserve existing significant 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.

2. Drainage for this development shall be accomplished through connection to a drainage district system prior to the issuance of residential building permits. The development shall also retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.

3. The property owner shall convey a total of 120 feet of right-of-way for Alternate S.R. 7 on an alignment, approved by the County Engineer, within ninety (90) days of adoption of the resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. Any right-of-way conveyance shall not include any berm required for containment of runoff or aesthetic purposes.

4. Alternate S.R. 7 (Entrance north to Northlake Blvd.) - The developer shall provide the construction plans for Alternate S.R. 7 as a 4-lane median divided section (expandable to 6-lanes); acquire a minimum of 120 feet of right-of-way for Alternate S.R. 7 and construct Alternate S.R. 7, per the County Engineer's approval, from north of Northlake Blvd. to the project's entrance road(s) to include the appropriate tapers, per the County Engineer's approval. This right-of-way shall be conveyed within 180 days of approval date by the Board of County Commissioners or prior to the issuance of a Building Permit, whichever first occurs. Construction of the east two lanes shall be completed and accepted within 24 months of approval date of the Board of County Commissioners or prior to the issuance of a Building Permit, whichever shall first occur. Construction of the west two lanes shall be completed and accepted prior to the issuance of 900 Building Permits or within seven years of approval date by the Board of County Commissioners whichever first occurs.

5. Alternate S.R. 7 (Northlake Blvd. to PGA Blvd.). - The developer shall provide the construction plans for Alternate S.R. 7 as a two lane section (expandable to a 6-lane section), from PGA Boulevard to Northlake Blvd., per the County Engineer's approval. These plans shall be completed within thirty-six (36) months of approval date by the Board of County Commissioners or prior to the issuance of 250 Building Permits, whichever first occurs.

The developer shall then acquire, at no expense to Palm Beach County, a minimum of 120 feet of right-of-way for Alternate S.R. 7, if required by the County Engineer, from P.G.A. Blvd. to Northlake Blvd. for the road construction of Alt. S.R. 7. This right-of-way shall be acquired within 4 years of approval date of the Board of County Commissioners, or prior to the issuance of 300 Building Permits, whichever first occurs.

The developer shall then construct Alternate S.R. 7 as a 2-lane section from P.G.A. Boulevard to Northlake Boulevard, per the County Engineer's approval. This construction shall be completed and accepted by Palm Beach County prior to the issuance of 700 Building Permits, or within 6 years of approval date by the Board of County Commissioners.

Surety acceptable to the County Engineer's Office shall be posted for the necessary construction as outlined in condition #4 & 5 within 12 months of approval date by the Board of County Commissioners or prior to the recording of the first plat whichever shall first occur.

6. The Developer shall construct at the intersection of Alternate S.R. 7 and Northlake Boulevard concurrent with the construction of Alternate S.E. 7 as outlined in Condition No. 4 above:

- a) Left turn lane, east approach.
- b) Left turn lane, west approach.
- c) Signalization, if, and when warranted, as determined by the County Engineer.

7. The developer shall construct at the intersection of Beeline Highway and Northlake Boulevard, signalization, if and when warranted as determined by the County Engineer.

8. The developer shall construct at the intersection of Beeline Highway and Alternate S.R. 7 concurrent with the construction of S.R. 7 as outlined in Condition #5 above per the County Engineer's approval.

- a) Right turn lane, east approach.
- b) Left turn lane, east approach.
- c) Right turn lane, west approach.
- d) Left turn lane, west approach.
- e) Left turn lane, north approach.
- f) Left turn lane, south approach.
- g) Signalization, when warranted, as determined by the County Engineer

9. The developer shall construct at the intersection of PGA Blvd. and Alternate S.R. 7, concurrent with the construction of S.R. 7 as outlined in condition #5 above:

- a) Left turn lane, east approach.
- b) Left turn lane, south approach.

10. Should Alternate S.R. 7 be constructed from PGA Blvd. to Northlake Blvd., by government or other third parties, as outlined in Condition 5, Palm Beach County may at it's option substitute one of the following:

- a) Provide construction plans as a six-lane section and construct Alternate S.R. 7 as a 2 lane facility from the project's north entrance south to the south right-of-way line of the "M" Canal, per the County Engineer's approval.
This construction shall include the Bridge over the "M" Canal, or
- b) Provide construction plans as a 6 lane ultimate section and construct an additional two lanes on Northlake Blvd. from Alternate S.R. 7 east to Beeline Highway.

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

12. The developer shall take-necessary measures during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.

13. The developer shall preserve all areas of significant wetland contained within the southern portion of this property.

14. The Petitioner shall provide Palm Beach County with a road drainage easement through this project's internal lake system to legal positive outfall for the road drainage of S.R. 7. This drainage easement shall be subject to all governmental agency requirements.

15. The Developer shall pay a Fair Share Fee in the amount and nanner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently The Fair Share Fee for this project is \$412,525.

Credit for this impact fee shall be credited toward the road construction as outlined in Condition #5 and #10 above based upon a

certified cost estimate by the developers engineer.

16. Exact copies of all graphics submitted by the petitioner before the Planning Commission and the Board of County Commissioners shall be made part of the official file.

17. Prior to Certification by the Site Plan Review Committee, the Master Plan shall be amended to reflect additional acreage for the 2% gross acreage devoted to civic site uses.

18. Petitioner shall request from the South Florida Water Manafement District during the annual wet season, a report with respect to:

- a) the quality of the runoff discharge to the Indian Trail Water Control District.
- b) The maintained elevation of the retention areas.

The report shall be filed with the County Engineering Department .

19. No on-site water or sewerage systems shall be provided.

20. There shall be no development or use of the areas designated sanctuary and preserve on the master plan presented at the Board of County Commissioner's public hearing. These areas shall be maintained as productive wetlands.

21. Petitioner shall have approved a 25 acre school site to be located in Section 24, Township 42 South, Range 41 East, contiguous and adjacent to Kelsey City West Road.

22. Petitioner shall dedicate the 25 acre school site to the School Board of Palm Beach County.

23. Transfer of Title and Warranty Deed to the school site, and a survey showing and describing the metes and bounds of the school site shall be delivered to the School Board within twenty four (24) months of the effective date of the resolution of approval by the Board of County Commissioners on the subject PUD.

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

Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	NAY
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of January 8, 1985 confirming action of the 24th of August 1984 .

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: *Sandy Imaru*
County Attorney

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

JOHN B. DUNKLE, Clerk

By: *Marlene Harris*
Deputy Clerk

