

RESOLUTION NO. R-92-182

RESOLUTION APPROVING ZONING PETITION NO. 80-215(E)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF SEAGRASS PROPERTIES, INC.

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. 80-215(E) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on October 24, 1991; 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 the 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, Chapter 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. 80-215(E), the petition of SEAGRASS PROPERTIES, INC., BY RUSSELL C. SCOTT, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS (ENGINEERING RELATED/POLO CLUB PUD) on a parcel of land situated within all of GLENEAGLES Plat One, as recorded in Plat Book 50, Pages 63 through 65, as in Section 21, 27, and 28, Township 46, Range 42, and being located ON THE S SIDE OF DELRAY WEST RD., APPROX. .7 MILE W OF JOG RD. W. BY LWDD EQUALIZING CANAL NO. E2E, IN THE RTS ZONING DISTRICT, was approved on October 24, 1991, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein.

2. Development of the site is limited to the uses and site design shown on the certified master plan (Exhibit No. 115). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7 (E)2 (b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.
3. The petitioner shall submit an application to the Site Plan Review Committee for the certification of the master plan for this site prior to March 1, 1992 to bring the plan in conformance with the current Landscape Code.

B. ENGINEERING

1. Condition No. 16 of Resolution No. R-89-1156, Petition 80-215(B), which states:

"The property owner shall construct Jog Road from north of West Atlantic Avenue to a point 150 feet south of the project's entrance road onto Jog Road as a 4-lane median divided section plus any appropriate expanded intersections and appropriate paved tapers as determined by Palm Beach County. All construction shall be commenced within 2 months of right of way acquisition or prior to July 1, 1990, whichever shall first occur and shall be completed within 1 year of commencement. Funding shall be as follows:

- a. The petitioner shall fund the construction of Jog Road as a 4 lane median divided section from the north right-of-way line of Linton Boulevard south to a point 150 feet south of the project's entrance road.
- b. Palm Beach County shall reimburse the developer for the costs of design and construction for the portion of Jog Road from north of Linton Boulevard to West Atlantic Avenue. Funds for this construction shall be obtained from Palm Beach County's 5 year road program. These monies shall be made available to the developer in the Fiscal Year 1992/1993. Monies made available to the developer shall be based upon approved construction contracts and/or certified costs estimates and subject to approval by the County Engineer. Prior to March 31, 1989, the developer shall enter into a roadway reimbursement agreement with Palm Beach County. Should this agreement not be executed by the appropriate parties Palm Beach County may revisit this Development. During this time period, Palm Beach County may withhold any and all development approvals, including but not limited to building permits and plat approvals."

Is hereby amended to read:

"The property owner shall fund the construction of Jog Road from the north right-of-way of Linton Boulevard to a point south thereof where the northbound left turn storage ends plus appropriate tapers as defined in plans

prepared by Mock, Roos, and Associates. Surety (which may be in the form of a bond or letter of credit) for this construction shall be posted prior to August 1, 1992 in the amount of three hundred fifty thousand dollars (\$350,000), and this amount shall be the maximum for which the property owner is responsible in relation to the construction which is the subject of this paragraph. It is the intent that intersection be constructed as an integral part of Palm Beach County's construction of Jog Road from Linton Boulevard to West Atlantic Avenue, currently scheduled as part of the Five-Year Road construction Program in FY 1992/1993. These funds shall be made available upon request by the County Engineer as required to fund the construction. If this project is delayed by Palm Beach County then the timing of the posting of surety shall be delayed a like time.

If said surety has already been provided then it shall be immediately released and deferred for a period of time corresponding to the County's delay of the project. This surety deferral shall apply to single or repeated delays in relation to the County going forward with funding for the aforesaid project. Developer shall not be responsible for any increases in construction costs as a result of such delays in the County funding and going forward with the project.

b. Prior to the issuance of the 151st residential dwelling unit building permit, the developer shall fund the construction of Jog Road as a six lane section from the southern terminus of the construction completed under the County's project as discussed in 16a. above, to a point 150 feet south of the project's entrance on Jog Road (plus appropriate tapers). It is the intent that Palm Beach County will let and administer this project funded by the developer. Palm Beach County shall participate in this construction to the extent of \$50,000. Credit for this construction shall be provided against the "Fair Share Contribution for Road Improvements Ordinance". In no case shall funding be provided later than January 1, 1995. Surety for this construction shall be posted prior to August 1, 1992."

2. Condition No. 17 of Resolution No. R-89-1156, Petition 80-215(B), which states:

"Surety required for the off-site road improvements as outlined in the above four (4) conditions shall be posted with the Office of the County Engineer prior to July 1, 1989."

Is hereby deleted.

3. Petitioner shall include in all written solicitations, advertisements, inducements, and other methods or attempts to encourage any person to purchase a legal or equitable interest in property which is the subject of this petition (or amendment hereto) a disclosure statement identifying Linton Boulevard through the

petition property as a County Thoroughfare Plan roadway which will have continuity for through traffic crossing the Turnpike to the west.

4. Condition No. 18 of Resolution No. R-89-1156, Petition 80-215(B), which states:

"The petitioner shall upgrade signalization as warranted by the County Engineer at Jog Road and Linton Boulevard and at the intersection of Jog Road and project's entrance road."

Is hereby amended to read:

"The petitioner shall fund the installation of traffic signalization at the intersection of Jog Road and the project's entrance road within 60 days after receiving notice that the County Engineer has determined signalization is warranted."

5. Condition No. 25 of Resolution No. R-89-1156, Petition 80-215(B), which states:

"Petitioner shall complete the construction of Linton Boulevard from Jog/Carter Road to a point 150 feet west of Legends Way per the County Engineer's approval (2/3 Lane Section). All construction shall be commenced within two (2) months of right-of-way acquisition or prior to July 1, 1990, whichever shall first occur and shall be completed within one (1) year of commencement. This construction shall be concurrent with Jog Road construction."

Is hereby amended to read:

"Petitioner shall complete the construction of Linton Boulevard from Jog/Carter Road to a point 150 feet west of Legends Way per the County Engineer's approval (2/3 Lane Section). This construction shall have been commenced within twenty one (21) days after Board approval on February 12, 1991 of the Amendment to the Agreement between Seagrass Properties, Inc. and Palm Beach County and completed prior to September 30, 1991. The initial segment of this construction shall be the 600' from Jog/Carter Road west to the gate entrance of Saxony; construction shall begin no later than February 22, 1991; and this initial segment shall be completed by April 8, 1991, and will be a paved surface consisting of the bottom layer of asphalt, adjacent curbs and necessary drainage. It is understood that this does not include sidewalks, grassing, and other ancillary features which are to be provided with completion of this project."

6. All right of way and drainage easements required of this construction shall be provided by or at the expense of the petitioners. However, the foregoing requirement is not to suggest that said right-of-way and/or drainage easements are to be provided as per any specific or particular plan or design, so long as the plan or design ultimately utilized has been approved by the County Engineer. Credit for this construction shall be provided against the Palm Beach County roadway impact fee (Fair

Share Contribution for Road Improvements Ordinance), for the construction cost only, for the construction east of section corner 21/27.

7. The project and site plan shall be amended, as necessary, to be in compliance with the current "Palm Beach County Landscape Code" (Section 500.35 P.B.C. Zoning Code!, as amended July 24, 1990).

C. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these condition!; of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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.
2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.
3. The approval of this petition shall not affect any Zoning Code Section 402.9 (Mandatory Review of Development Approval) review date established as the result of a previous approval for this property.

Commissioner Roberts moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 4th day of February, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

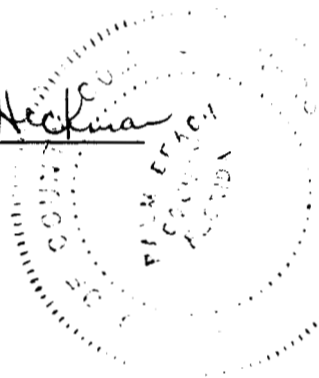
Milton T. Bauer, Clerk

BY:


COUNTY ATTORNEY

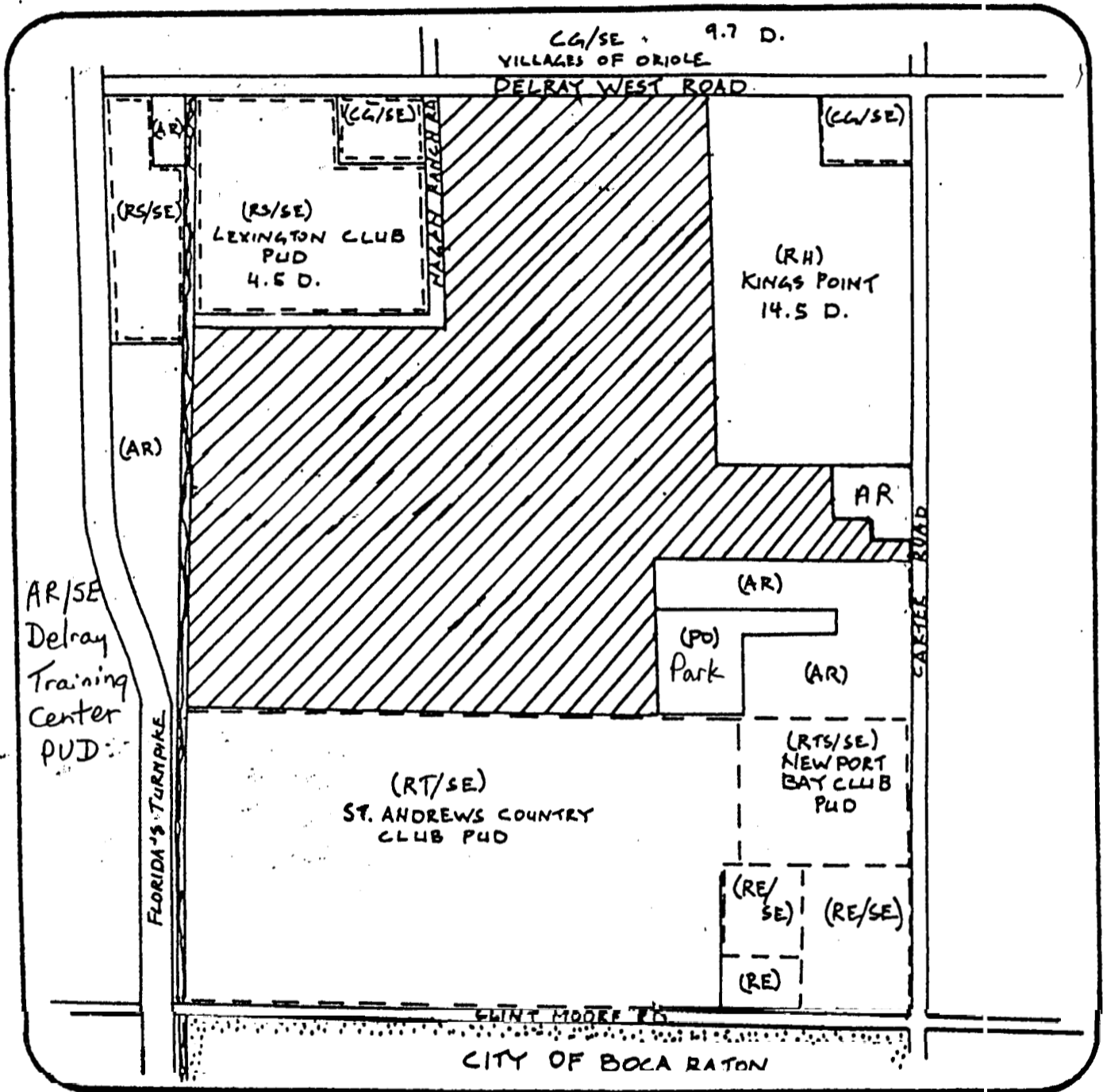
BY:


DEPUTY CLERK



Sec. 21, 27, 28 Twp. 46 Rng. 42
Quadrant Sheet: 37, 52
Aerial Page: 346A

Vicinity Sketch



Request:

A MODIFICATION OF COMMISSION REQUIREMENTS regarding Condition loa. 16, 17, 18 and 25 of Resolution No. R-89-1156, Petition No. 80-215(B).

PETITION NO: 80-215(E)

BCC DISTRICT: 5