

RESOLUTION NO. R- 86-110

RESOLUTION APPROVING ZONING PETITION 85-112, 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. 85-112 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th October 1985; 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. The School Board of Palm Beach County has demonstrated that the schools serving this petition are operating at or above capacity. The School Board has demonstrated that plans exist for the provision of additional school plants to alleviate overcrowding and to house new students generated by new residential growth. The petitioner has agreed to participate in the School Site Acquisition Program by contributing \$250.00 for each dwelling unit within the subject PUD. Funds will be used by the School Board for the acquisition of new sites, or the expansion of facilities serving the subject petition.
3. Payment in full shall be due the School Board of Palm Beach County within 180 days of the date of the resolution approving the subject PUD.
4. Petitioner shall enter into formal contract with the School Board of Palm Beach County to assure timely payment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 30th of October 1985, that Petition No. 85-112 the

petition of ALAN SHER By Alan Ciklin, Attorney, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on that part of Section 22 and the North 1/2 of Section 27, Township 42 South, Range 42 East, lying South of the South right-of-way line of the Seaboard Airline Railroad and West of a line running North and South, which line commences at a point located in North Section line of Section 22, 2,000 feet West of a point at which said North Section line is intersected by the Westerly right-of-way line of the Sunshine State Parkway right-of-way and which line terminates at a point situated on the East-West 1/2 Section line of said Section 27, 2,000 feet West of a point at which the West right-of-way line of the Sunshine State Parkway intersects said 1/2 Section line. Said property located on the south side of Bee Line Highway (S.R. 710) approximately 0.4 mile west of Florida's Turnpike (Sunshine State Parkway) was approved as advertised subject to the following conditions:

1. Prior to certification the master plan shall be revised to reflect a looped street configuration, or Subdivision Committee Variance shall be granted for the excessive length of the proposed dead-end street.
2. Patio home development shall conform to Section 500.21.K.4.C. of the Zoning Code.
3. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
4. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.
5. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
6. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.
7. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of Jog Road and Bee Line Highway along the property frontage and for a maximum 400 foot distance each side of the property boundary lines along Jog Road and Bee Line Highway. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the road drainage runoff for the ultimate Thoroughfare Plan Section and be subject to all governmental agency requirements.
8. Performance Security per the County Attorney's approval if required for the offsite road improvements as outlined in Condition No. 10 shall be posted with the Office of the County Engineer prior

to January 31, 1986.

9. The property owner shall provide construction plans for Jog Road as a 2 lane section (expandable to 6 lanes from Beeline Highway to South of the project's Jog Road entrance). These construction plans and their format shall be per the County Engineer's approval based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed within six (6) months of Special Exception Approval.

10. The property owner shall construct Jog Road from Beeline Highway to South of the Jog Road entrance as a 2 lane section per Condition No. 9. This construction shall be completed within 12 months of Special Exception Approval or prior to the issuance of 200 Building Permits whichever shall first occur.

11. The property owner shall construct on Jog Road at the project's entrance road concurrent with the construction of the projects entrance road:

- a) Left turn lane south approach
- b) Right turn lane north approach

12. The property owner shall provide at the intersection of BeeLine Highway and Jog Road concurrent with the construction of Jog Road:

- a) Left turn lane east approach
- b) Right turn lane west approach
- c) Left turn lane south approach

13. The property owner shall not be permitted direct access onto SR710 BeeLine Highway unless this property owner secures an at grade Railroad Crossing Permit for both Jog Road and the project's BeeLine Highway entrance. In the event that this property owner secures these permits the property owner shall construct:

- a) Left turn lane east approach
- b) Right turn lane west approach
- c) Left turn lane south approach

at the time of construction of the project entrance road onto BeeLine Highway.

14. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute \$44,823.00 towards roadway improvements in the appropriate Impact Fee Zone. These funds shall be paid prior to January 15, 1986.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$44,823.00 shall be credited toward the increased Fair Share Fee.

Credit for the Impact Fee shall be given for the plans and construction of Jog Road as outlined in Condition Nos. 9 and 10.

15. The interior Spine Road shall be a minimum of 80 foot right-of-way from Bee Line Road to the first intersection, and 60 feet beyond that point.

16. The property owner shall install signalization if warranted as determined by the County Engineer at the project's entrance and Jog Road, and at Jog Road and Bee Line Highway. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

17. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

18. The 2% civic site requirement shall be met by the designation of "Preservaton Area" on the master plan. No active recreation facilities or structures shall be permitted within this "Preservation Area."

19. Petitioner is required to plant native wetland vegetation around all newly constructed water bodies creating littoral zones. Species list will be approved by SFWMD, DER and County Planning, Zoning and Building Department.

20. If, during construction, any representative of an animal or plant species designated as endangered or threatened on Federal, State of Florida or Florida Committee on Rare and Endangered Plants and Animal List is discovered to be resident on or otherwise significantly dependent upon the property, the petitioner will immediately contact the appropriate governmental agencies.

21. The petitioner shall comply with prospective amendments to the Landscape Code, should such amendments be adopted prior to issuance of building permits for this project.

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

Ken Adams, Chairman	--	ABSENT
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of FEB 11 1986 confirming action of the 30th October 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Janet D. Ellington*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Sandy Graham*  
County Attorney