

RESOLUTION NO. R-88-1971

RESOLUTION APPROVING ZONING PETITION NO. 84-113(A)
SPECIAL EXCEPTION AND MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF BLUECRAB ASSOCIATES, 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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 84-113(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 29, 1988 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, this approval is subject to 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 made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 84-113(A) the petition of BLUECRAB ASSOCIATES, INC. for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR IBIS LANDING PLANNED UNIT DEVELOPMENT, WITH A CONCURRENT MODIFICATION OF COMMISSION REQUIREMENTS, 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, being located on the west side of the proposed State

Road No. 7 Extension (US 441), approximately 1.0 mile south of West Lake Park Road, in a RT-Residential Transitional Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition No. 4 of Zoning Petition No. 84-113, Resolution No. R-85-36, adopted January 8, 1985, which currently states:

"4. Alternate State Road 7 (Entrance north to Northlake Boulevard): The developer shall provide construction plans for Alternate State Road 7 as a 4 lane median divided section (expandable to 6-lanes); acquire a minimum of 120 feet of right of way for Alternate State Road 7 and construct Alternate State Road 7, per the County Engineer's approval, from north of Northlake Boulevard 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."

Is hereby amended to read as follows:

"The developer shall provide construction plans within four (4) years for Alternate State Road 7 as a two (2) lane roadway section (located within a 120 foot right-of-way for expansion to six (6) lane median divided section), and construct the two (2) lane section from Northlake Boulevard south to the project's entrance road to include the appropriate tapers, per County Engineer's approval. A contract for the construction of the two (2) lanes shall be let prior to the issuance of 1,172 residential permits for the project or within 4.5 years of the adoption of the project's amended resolution of approval, whichever first

occurs. Right-of-way on State Road 7 shall be dedicated to allow the ultimate section at intersections:

- a. North approach, one (1) right, three (3) throughs;
- b. South approach, two (2) lefts, three (3) throughs;
- c. West approach, two (2) lefts, one (1) right;

based upon the County Engineer's approval for each intersection" .

3. Condition No. 5 of Zoning Petition No. 84-113, Resolution No. R-85-36, adopted January 8, 1985, which currently states:

- "5. alternate State Road 7 (Northlake Boulevard to P.G.A. Boulevard): The developer shall provide construction plans for Alternate State Road 7 as a two lane section (expandable to a 6-lane section), from P.G.A. Boulevard to Northlake Boulevard, 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 State Road 7, if required by the County Engineer, from P.G.A. Boulevard to Northlake Boulevard for the road construction of Alternate State Road 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 State Road 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 and 5 within 12 months of

approval date by the Board of County Commissioners or prior to the recording of the first plat whichever shall occur."

Is hereby deleted.

4. Condition No. 6 of Zoning Petition No. 84-113, Resolution No. R-85-36, adopted January 8, 1985, which currently states:

"6. The developer shall construct at the intersection of Alternate State Road 7 and Northlake Boulevard concurrent with the construction of Alternate State Road 7 as outlined in Condition #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."

Is hereby amended to read as follows:

"The developer shall construct at the intersection of Alternate State Road 7 and Northlake Boulevard concurrent with the construction of Alternate State Road 7 as outlined in Condition No. 4 of Zoning Petition No. 84-113:

- a) two through lanes and a single left ~~turn~~ lane, east approach
- b) two through lanes, west approach
- c) separate left and right turn lanes, south approach
- d) signalization, if, and when warranted, as determined by the County Engineer."

5. Condition No. 8 of Zoning Petition No. 84-113, Resolution No. R-85-36, adopted January 8, 1985, which currently states:

"8. The developer shall construct at the intersection of Beeline Highway and Alternate State Road 7 concurrent with the construction of Alternate State Road 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, if, and when warranted as determined by the County Engineer.

Is hereby deleted.

6. Condition No. 9 of Zoning Petition No. 84-113, Resolution No. R-85-36, adopted January 8, 1985, which currently states:

- "9. The developer shall construct at the intersection of P.G.A. Boulevard and Alternate State Road 7 concurrent with the construction of Alternate State Road 7 as outlined in Condition #5 above:
- a) left turn lane, east approach
 - b) left turn lane, south approach"

Is hereby deleted.

7. Condition No. 10 of Zoning Petition No. 84-113, Resolution No. R-85-36, adopted January 8, 1985, which currently states:

- "10. Should Alternate State Road 7 be constructed from P.G.A. Boulevard to Northlake Boulevard, by government or other third parties, as outlined in Condition #5, Palm Beach County may at its option substitute one of the following:
- a) provide construction plans as a six-lane section and construct Alternate State Road 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 Boulevard from Alternate State Road 7 east to Beeline Highway."

Is hereby amended to read as follows:

"The developer shall acquire a minimum of 120 feet of right-of-way from Alternate State Road 7 west through the construction project limits, including right-of-way for ultimate expanded intersections on the south side of Northlake Boulevard and for State Road 7, provide construction plans as a four-lane ultimate section within 18 months of adoption of the amended resolution of approval by the Board of County Commissioners, and construct a four-lane divided roadway on Northlake Boulevard

from 400 feet west of Seminole Lakes Planned Unit Development's (Petition No. 85-64(A)) entrance road east to Beeline Highway, plus appropriate tapers. The developer shall further construct at the project's entrance road and Northlake Boulevard:

- a) two through lanes and double left turn lanes, east approach
- b) two through lanes and separate right turn lane, west approach
- c) separate left turn and right turn lanes, south approach

The above referenced work must begin by January 1991 and be completed by December 1992. This project shall be limited to 550 residential building permits until the road construction contract has been let and work completed for Northlake Boulevard as referenced above.

It is the intent of this condition that the four-lane ultimate section will be constructed within the existing 100 foot to 130 foot right-of-way through the Water Catchment Area between Alternate State Road 7 and Beeline Highway."

8. Condition No. 14 of Zoning Petition No. 84-113, Resolution No. R-85-36, adopted January 8, 1985, which currently states:

"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 Alternate State Road 7. This drainage easement shall be subject to all governmental agency requirements."

Is hereby amended to read as follows:

"If required by the County Engineer, the property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property, capable of accommodating all runoff of those segments of Alternate State Road 7 along the property frontage and for a maximum 400 foot distance each side of property boundary lines along Alternate State Road 7. The drainage system within the project shall have sufficient retention/detention capacity to meet the stormwater discharge requirements of the applicable County Control District and South Florida Water Management District. The design of

the system shall assume the ultimate Thoroughfare Plan section road drainage runoff."

9. Condition No. 15 of Zoning Petition No. 84-113, Resolution No. R-85-36, adopted January 8, 1935, which currently states:

"15. The developer 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. Presently the Fair Share Fee for this project \$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 developer's engineer."

Is hereby amended to read as follows:

"The developer 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. Presently the Fair Share Fee for this project \$1,169,740.00.

Credit for this impact fee shall be credited toward the road construction as outlined in Condition No. 2 and Condition No. 7 of Zoning Petition No. 84-113(A) based upon a certified cost estimate by the developer's engineer."

10. Condition No. 17 of Zoning Petition No. 84-113, Resolution No. R-85-36, adopted January 8, 1935, which currently states:

"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."

Is hereby amended to read as follows:

"The 25 acre civic site located at the southeast corner of the project shall be conveyed to Palm Beach County at the time of platting, or as required by the County Engineer."

11. Condition No. 18 of Zoning Petition No, 84-113, Resolution No, R-85-36, adopted January 8, 1985, which currently states:

"18. The Petitioner shall request from the South Florida Water Management 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."

Is hereby amended to read as follows:

"The Petitioner shall request from the South Florida Water Management District during the annual wet season, a report with respect to:

- a) the quality of the runoff discharge to the Northern Palm Beach County Water Control District
b) the maintained elevation of the retention areas.

The report shall be filed with the County Engineering Department."

12. Condition No. 19 of Zoning Petition No. 84-113, Resolution No. R-85-36, adopted January 8, 1985, which currently states:

"19. No onsite water or sewerage systems shall be provided."

Is hereby amended to read as follows:

"Provision of water and sewer services to the subject site will be via the Palm Beach County Water Utilities Department."

13. Condition No. 23 of Zoning Petition No. 84-113, Resolution No. R-85-36, adopted January 8, 1985, which currently states:

"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."

Is hereby amended to read as follows:

"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 amended resolution of approval by the Board of County Commissioners on the Subject planned unit development."

14. The petitioner may exchange the required on-site dedication of land for civic uses either for a parcel of land off-site equal in acreage or cash of equal value. In addition, in the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the onsite and off-site land dedications. The value of the on-site land dedication shall be based upon its value as a civic site. This contribution shall be used to off-set the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, petitioner shall be deemed to have satisfied the intent of Zoning Code Section 500.21 H.
15. Surety required for the off-site road improvements as outlined in Condition Nos. 2, 4 and 7 of Petition No. 84-113(A) shall be posted with the Office of the County Engineer within twelve (12) months of the adoption by the Board of County Commissioners of the resolution approving this petition.
16. Failure to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violation of the Palm Beach County Zoning Code.

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Absent
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 15th day of November, 1988 confirming action of April 29, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
~~COUNTY ATTORNEY~~

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK

