

RESOLUTION NO. R-90- 1462

RESOLUTION APPROVING ZONING PETITION NO. 90-32
SPECIAL EXCEPTION PETITION OF CRYSTAL LAKES OF PALM BEACH, INC.
BY KIERAN J. KILDAY, AGENT

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. 90-32 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 24, 1990; 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 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, 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. 90-32, the petition of CRYSTAL LAKES OF PALM BEACH, INCORPORATED, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION FOR A PLANNED RESIDENTIAL DEVELOPMENT on a parcel in Tracts 17, 18, 19, 20, 21, and 22, Block 35, The Palm Beach Farms Company, Plat No. 3, Plat Book 2, Pages 45 through 54, inclusive; Beginning at a point on the West line of said Tract 20, said POINT OF BEGINNING, being 40.00 feet South of the Northeast corner of said Tract 20, thence Easterly along a line 40.00 feet South of and parallel with the North line of said Tracts 20, 19, 18 and 17, for a distance of 2578.32 feet to a point on the Westerly right-of-way line of State Road 7, thence Southerly along the Westerly right-of-way line of State Road 7, a distance of 57.00 feet, thence Westerly along a line 97.00 feet South of and parallel with as measured at right angles to the North line of said Tracts 18 and 17, a distance of 1,085.58 feet to a point on the East line of said Tract 19, thence Southerly along the East line of said Tracts 19 and 22, a distance of 890.00 feet, thence turning 90 degrees 00'00", as measured from North to West, run a distance of 45.00 feet, thence turning 97 degrees 00'00" as measured from East to North, run Northerly a distance of 65.00 feet to a point of curvature of a circular curve concave Southwesterly, thence Northwesterly along the arc of said circular curve having a radius of 100.00 feet and a central angle of 75 degrees 30'00" for a distance of 131.27 feet to Point of

Tangency; Thence continue Westerly along said tangency a distance of 110.00 feet to a point of curvature of a circular curve concave Northeasterly; Thence Northwesterly along the arc of said circular curve having a radius of 350.00 feet and a central angle of 21 degrees 30'00" for a distance of 131.33 feet to a point of reverse curvature of a circular curve, concave Southeasterly; thence Northwesterly, Westerly and Southwesterly along the arc of said circular curve, having a radius of 75.00 feet and a central angle of 95 degrees 00'00" for a distance of 124.35 feet to a Point of Tangency, thence Southwesterly along said tangent line, for a distance of 86.62 feet, thence turning 116 degrees 30'00" as measured from Northeasterly to Westerly, run Westerly for a distance of 842.52 feet to a point of curvature of a circular curve, concave Southeasterly; thence Westerly, Southwesterly and Southerly along the arc of said circular curve having a radius of 120.00 feet and a central angle of 90 degrees 00'00" for a distance of 188.50 feet, thence Westerly along a line as measured at right angles to the tangent of the previously described curve, a distance of 55.00 feet to the West line of said Tracts 21 and 20, a distance of 930.00 feet to the POINT OF BEGINNING, subject to: A 30.00 foot drainage easement and a 25.00 foot access easement over the Westerly 55.00 feet of Tract 21 and 20, being located in Section 27, Township 43 South, Range 42 East, and being located approximately 130.00 in a RT-Residential Transitional Zoning District, was approved on May 24, 1990 as advertised, subject to the following conditions:

1. Prior to certification by the Subdivision Review Committee, the Master Plan shall be amended to indicate a list of the recreational facilities proposed for the recreation site.
2. The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be bused because of School Board policies regarding overcrowding, racial imbalancing or other policy matters. This documentation shall be updated on an annual basis.
3. Any additional excavation lakes shall require a littoral shelf area. A littoral shelf shall be an area with a slope not greater than six (6) feet horizontal to one (1) foot vertical, ranging in depth from ordinary high water (OHW) or the controlled water level (CWL) to four feet below OHW or CWL. A minimum of 30% of the new littoral shelf shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management for approval prior to Subdivision approval.
4. The petitioner shall supply to the Department of Environmental Resources Management an environmental wetlands determination for approval prior to Subdivision application.
5. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to issuance of Building Permits.
6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

7. The petitioner shall encourage homeowners to participate in a recycling program for paper, plastic, metal and glass products.
8. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain, on site, the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, **Land Development Division**. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an **acceptable** condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
9. The Property owner shall construct Lantana Road from State Road 7 to the project's entrance concurrent with the issuance of the first building permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. This construction shall also include obtaining any right-of-way required for a full 50 feet section from State Road 7 to the project's entrance road. This construction shall be 2-12 travel lanes (collector street standards) along with a right turn lane, east approach on Lantana Road at the project's entrance road.
10. 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 exist; or **as** it may from time to time be amended. The Fair Share Fee for this project presently is \$1,650.00 per approved single family dwelling unit (10 trips/DU X \$165.00 per trip).
11. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
 - a) **No** more than 39 Building Permits shall be issued until construction has begun for Lantana Road **as** a 4 lane section from Lyons Road to the Florida Turnpike plus the appropriate paved tapers.
12. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
13. Prior to Subdivision approval, the owners of each parcel shall submit a copy of either the recorded warranty deed or a copy of the deed being relocated together with a copy of the receipt from the Palm Beach County Clerk of the Circuit Court.

14. The petitioner shall preserve/relocate existing native vegetation and shall incorporate it into the project design. Clearing of the vegetation shall be limited to the building pad areas, drainfield areas, vehicular use areas, and non-transplantable native vegetation. The areas of preservation shall receive appropriate protection from damage and disturbance, in accordance with Section 500.36 of the Zoning Code, during the site development and construction phase.
15. A Vegetation Removal Application shall be filed for each Pod as indicated on the approved Master Plan. Prior to removal of any vegetation, the petitioner shall schedule a preclearing inspection with the Zoning Division.
16. The petitioner shall establish, during the platting process, a preserve area along the rear property lines, excluding lake maintenance easements. This preserve area shall be a minimum of thirty (30) feet wide. This area shall be required only for those lots which support viable pine flatwoods or cypress communities. Prior to Subdivision Committee Approval, a vegetation inventory shall be submitted to the Zoning Division which verifies the viability of the vegetation communities on each lot.
17. No structures or utilities shall be located within the preserve area.
18. No native vegetation shall be removed from the preserve area, except prohibited species.
19. In the areas where this project abuts industrial zoned land, a thirty (30) foot preservation buffer shall be platted. This buffer shall support a minimum of a double row of ten (10) foot tall canopy trees planted an average of twenty (20) feet on center.
20. If required by the County Engineer, the property owner shall convey to Palm Beach County, prior to January 1, 1991, a road drainage tract through the project's internal surface water management system to provide legal positive outfall for all runoff from those segment(s) of Lantana Road along the property frontage and for a maximum 400 feet distance each side of the property boundary lines along Lantana Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required by the County Engineer, the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevations of all construction shall be approved by the County Engineer.
21. The developer shall connect to sanitary sewer facilities when they are available to the site, as outlined in the Palm Beach County Environmental Control Rules.

22. By June 30, 1990, the petitioner shall enter into a developer's agreement with Palm Beach County or verify the legal ability of the ACME Improvement District to provide water services to the site.
23. This special exception is granted concurrently with a rezoning. Any other use other than a planned residential development shall be subject to a subsequent special exception.
24. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions 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.

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.

Commissioner Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	AYE
Karen T. Marcus	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

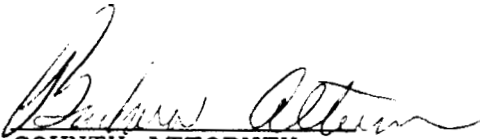
The Chair thereupon declared the resolution was duly passed and adopted this 28th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK