

RESOLUTION NO. R-88-1543

RESOLUTION APPROVING ZONING PETITION NO. 85-112(A)
SPECIAL EXCEPTION PETITION OF ALAN SHER, TRUSTEE

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(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 27, 1987; 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. 85-112(A), the petition of ALAN SHER, TRUSTEE, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR A PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-112 ON OCTOBER 30, 1985 (R-86-110, ADOPTED FEBRUARY 11, 1986) TO 1) INCREASE THE DENSITY, AND 2) REDESIGN THE PLANNED UNIT DEVELOPMENT on a parcel of land lying in 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 the 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, located on the south side of the Beeline Highway (SR 710), approximately .4 miles west of Florida's Turnpike (Sunshine State Parkway) in an 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. Prior to master plan certification, the master plan shall be amended to indicate the following:
 - a. Required number of trees.
 - b. Acreage of the preserve areas.
3. Since sewer service is available at the site, septic tank shall not be approved for use on said property.
4. Since public water service is available to the property, a well shall not be approved for potable water use on said property. This shall not preclude use of wells for irrigation purposes only.
5. Condition No. 10 of Zoning Petition No. 85-112 (R-86-110) which states:

"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."

is hereby amended to read:

"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 commence simultaneously with the construction of Jog Road by the Solid Waste Authority or prior to the issuance of the first Building Permit whichever shall first occur. This construction shall also include left and right turn lanes on all approaches at the intersection of Jog Road and Beeline Highway. Performance security acceptable to the County Attorney's Office must be provided to Palm Beach County within thirty (30) days of the Adoption of the Resolution by the Board of County Commissioners.

6. Condition No. 13 of Zoning Petition No. 85-112 (R-86-110) which states:

"13. The property owner shall not be permitted direct access onto SR 710 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."

is hereby amended to read:

"13. Access to the site shall be from Jog Road only."

7. Condition No. 14 of Zoning Petition No. 85-112 (R-86-110) which states:

"14. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$44,823.00 toward roadway improvements in the appropriate Impact Fee Zone. These funds of 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."

is hereby amended to read:

"14. 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. The Fair Share Fee for this project presently \$318,222. is:

- a) 3,900 trips X \$80.4 per trip for residential
- b) 174 trips X \$26.79 per trip for non-residential.

Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$79,556.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$397,778.00 to be paid prior to the issuance of the first building permit or prior to July 1, 1988 whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$79,556.00 shall be credited toward the increased Fair Share Fee."

- 8. Petitioner shall provide a six (6) foot high berm within the project's required buffer along the south and east property lines where this property abuts property owned by the Palm Beach County Solid Waste Authority. The berm shall ensure that no surface water draw from the site on to the Solid Waste Authority's land.
- 9. The property owner as part of the South Florida Water Management District permit shall monitor any wells onsite for water quality as determined by the South Florida Water Management District.
- 10. No modification shall be made of the western reserve area except as necessary to comply with required state and federal permits.
- 11. The maximum buffer area of vegetative and wetland preservation will be in the area adjacent to the water catchment area and the water levels in this area will be maintained at +/- 16.5 feet M.S.L. This buffer area, including certain greens and tees, will be a minimum of 54 acres in size. This buffer will be delineated upon the project's master plan.
- 12. The dike height and width in the buffer zone abutting the water catchment area will be constructed to the same dimensions as those required by the Solid Waste Authority at its adjacent site. All grassing and planting along this area of the dike will be of native materials.
- 13. A six (6) foot high chain link fence will be placed along the dike to separate the Iron Horse Development

from the water catchment area.

14. Prior to approval of a plat by Palm Beach County, petitioner shall submit evidence to the Land Development Division that the City of West Palm Beach Utilities Department has reviewed and approved plans for dike work, fencing and vegetation in the water catchment area buffer zone.


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

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

The foregoing resolution was declared duly passed and adopted this 27th day of September, 1988 confirming action of August 27, 1987.

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

