

RESOLUTION NO. R-89-443

RESOLUTION APPROVING ZONING PETITION NO. 86-32(D)  
SPECIAL EXCEPTION PETITION OF COREPOINT CORPORATION  
AND ALBERTO AND ROSARIO VADIA

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. 86-32(D), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 28, 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. 86-32(D), the petition of COREPOINT CORPORATION AND ALBERTO AND ROSARIO VADIA, by F. Martin Perry, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE MASTER PLAN FOR WELLINGTON PLANNED UNIT DEVELOPMENT BY INCORPORATING WELLINGTON'S EDGE PLANNED UNIT DEVELOPMENT TO: 1) INCREASE THE LAND AREA BY 187.29 ACRES; 2) TRANSFER 344 DWELLING UNITS FROM TRACT 29 TO THE ADDED ACREAGE; AND 3) DESIGNATE TRACT 29 AS A CIVIC SITE, WHICH WILL HAVE THE EFFECT OF EXTINGUISHING THE SPECIAL EXCEPTION FOR WELLINGTON'S EDGE PLANNED UNIT DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 86-141 on a parcel of land lying in all of Sections 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, Township 44 South, Range 41 East:

TOGETHER WITH:

All that part of Sections 31, 32, 33, and 34, Township 43 South, Petition No. 86-32 (D)

Range 41 East, lying within the boundaries of the Plat of Pinewood of Wellington P.U.D., as recorded in Plat Book 32, Pages 96 through 98, both inclusive, and the Plat of Paddock Park No. 1 of Wellington P.U.D., as recorded in Plat Book 41, Pages 118 through 120, both inclusive;

**TOGETHER WITH:**

All that part of Section 2, Township 44 South, Range 41 East, lying within the boundaries of the Plat of South Shore No. 4 of Wellington P.U.D., as recorded in Plat Book 34, Pages 63 through 66, both inclusive, the Plat of Church Site No. 4 of Wellington P.U.D., as recorded in Plat Book 35, Page 86, of the Public Records and the Plat of Palm Beach Little Ranches East of Wellington P.U.D., as recorded in Plat Book 30, Pages 158 and 159.

**TOGETHER WITH:**

A parcel of land in Section 12, Township 44 South, Range 41 East, being more particularly described as follows:

The Southwest 1/4 of said Section 12, Less the Southerly 173.00 feet thereof and **Less** the Easterly 40.00 feet thereof.

**TOGETHER WITH:**

All that part of Tracts 22 through 27, inclusive of Block 18, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, inclusive, being bounded on the South by the Northerly Right-of-way line of Forest Hill Boulevard as recorded in Official Record Book 2198, Pages 1200 and 1201 of said Public Records and being bounded on the East by the West line of the Easterly 255.91 feet of Tracts 22 and 27, Block 18, said PALM BEACH FARMS COMPANY PLAT NO. 3. Subject to existing easements, restrictions, reservations and Rights-of-way of record.

Bearings shown hereon are relative to an assumed bearing of South 88 degrees 45' 24" East along the South line of Section 12, Township 44 South, Range 41 East, located on the west side of State Road 7 (U.S. Highway 441), being bisected by Forest Hill Boulevard (SR 802), being bounded on the north by Southern Boulevard (SR 80), and being bounded on the south by the C-23 Canal, in an AR-Agricultural Residential Zoning District and a RTS-Residential Transitional Suburban Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall comply **with** all conditions of previous approvals unless expressly modified herein.
2. Prior **to** certification, the master plan tabular data shall be amended to reflect the following:
  - a. The required number of trees to be planted or preserved.
  - b. The acreage and dimensions of individual preservation areas.

- c. Proposed access to the **3.74** acre civic site located to the east.
  - d. Labelling of the linear parcels which run north to south adjacent to the easternmost canal right-of-way.
  - e. Density of each tract expressed in dwelling units per acre.
  - f. Acreage of the OS-R natural reserve known as; the "Big Blue" Reserve.
3. Within ninety (**90**) days of the approval of the resolution approving this project, the petitioner shall convey to the Lake Worth Drainage District sufficient right-of-way for Canal **No. S-5**, or an alternate canal alignment as approved by Lake Worth Drainage District. Conveyance shall be by Quit Claim Deed or an Easement Deed in the form provided by the District.
  4. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
  5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
  6. 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.
  7. Condition **No. 12** of Zoning Petition **No. 86-141**, Resolution **No. R-87-522** which currently states:

"12. The developer shall fund the construction of Forest Hill Boulevard as a 4 lane median divided section from the proposed 4 lane terminus west of S.R. 7 west to the existing 4 lane terminus east of South Shore Boulevard per the above Condition **No. 11**. This construction shall be concurrent with the proposed construction of the intersection of S.R. 7 and Forest Hill Boulevard which is anticipated to be constructed in the first quarter of 1987.

The developer's engineer shall provide a certified cost estimate for this construction and these

funds shall be provided to Palm Beach County upon request when required to construct this project. These funds shall be credited against the fair share fees required in Condition **No. 9.**"

is hereby amended to read as follows:

**"The** developer shall fund the construction of Forest Hill Boulevard per the plans currently in the Engineering Department **as** a four lane median divided section from the proposed four lane terminus west of State Road **7** west to the existing four lane terminus east of South Shore Boulevard per the condition **No. 11** of Resolution **No. R-87-522**. The funding shall be either or a combination **of:**

- a.) cash
- b.) credits from previous developer roadway construction in the Wellington P.U.D.
- c.) A combination of a and b.

This construction shall be concurrent with the proposed construction of the intersection of State Road **7** and Forest Hill Boulevard, which is anticipated to be constructed in the third quarter **of** 1988. Palm Beach County Engineering Department shall calculate the cost of this section based on the bids received. Any change orders required to properly construct this section shall also be funded by the developer. These funds shall be provided to Palm Beach County upon request when required to construct this project. These funds shall be credited against the fair share fee funds required in Condition **No.9** of Resolution **No. R-87-522**. The developer shall also provide revised construction plans for this section to reflect four **(4)** foot paved shoulders and an overlay on the existing lanes."

Commissioner Adams moved for approval of the petition. The motion was seconded by Commissioner Marcus 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    | -- | Absent |
| Kenneth M. Adams  | -- | Aye    |

The foregoing resolution was declared duly passed and adopted this 14th day of March, 1989 confirming action of April 28, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Susan Hubert*  
COUNTY ATTORNEY

BY: *Jana M. Blair*  
DEPUTY CLERK

