

RESOLUTION NO. R-94-117

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 78-2873.2
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-89-2172
WHICH APPROVED THE SPECIAL EXCEPTION OF
COREPOINT CORPORATION
PETITION NO. 78-287(E) .

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied: and

WHEREAS, pursuant to Section 5.8, Status Report CR 78-2873.2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 27, 1994; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 78-287E.2 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies: and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval: 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: and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County **Commissioners** be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. CR **78-287E.2**, **amending** Conditions of Approval of Resolution No. R-89-2172, the Special Exception of Corepoint Corporation, Petition No. 78-287(E), confirmed by the adoption of Resolution R-89-2172, which amended the Master Plan for Landings at Wellington Planned Unit Development to: 1) Relocate a 26 Acre Commercial Site from the Southern Edge of Property to the Northern Edge of Property: 2) Add a 26 Acre School Site on the Southern Edge of Property: 3) Add a 15 Acre School Site Along the Northern Edge of the Property: and 4) Provide Additional Access from the A.I.D. Right-of-Way, on all that part of fractional Section 31, Township 43 South, Range 41 East, lying South of the West Palm Beach Canal, less that part of said Section 31 being more particularly described as follows:

A parcel of land in Section 31, Township 43 South, Range **41** East, lying South of the West Palm Beach Canal and more particularly

described as follows: Beginning at the Southeast corner of said Section 31; thence North 00 degrees 19' 52" East along the East line of said Section 31 (for convenience all bearings shown hereon are based on an assumed meridian) to the water edge of the West Palm Beach Canal; thence Westerly along the water edge of the West Palm Beach Canal to the Northerly extension of the West line of Section 5, Township 44 South, Range 41 East; thence South 00 degrees 51' 45" West along the said Northerly extension to the Northwest corner of said Section 5 and a point on the South line of Section 31: thence South 89 degrees 59' 10" East along the South line of Section 31, a distance of 310.66 feet to the Southeast corner of said Section 31 and the Point of Beginning. Together with all of fractional Sections 6, 7, and 18, all in Township 44 South, Range 41 East, less plats recorded as follows: less plats recorded as follows: Plat Book 38, Page 127; Plat Book 38, Pages 159-164; Plat Book 39, Pages 38-41; Plat Book 56, Page 25; Plat Book 63, Pages 20-26; Plat Book 63, Pages 27-31; Plat Book 63, Pages 32-37; Plat Book 63, Pages 38-42; Plat Book 64, Pages 97-105; and Plat Book 67, Pages 56-67., being located on the south side of Southern Boulevard (SR 50), approximately 1.5 miles west of Big Blue Trace. It is bounded on the east by the C-2 A.I.D. Canal right-of-way and on the west by the C-1 A.I.D. Canal right-of-way in the RE-Residential Estate Zoning District, is approved, subject to the following conditions:

1. All previous conditions continue to **apply** unless expressly modified herein.
2. Condition E8 of R-89-2172 presently states:

Petitioner shall, for the residential portion of this project, pay the Fair Share Impact Fee in the amount and manner required by the "**Fair Share Contributions for Road Improvements Ordinance**", as it presently exists **or from** time to time any be amended. **It** is understood that no credit against the residential impact fee will be granted for any off-site road construction **required** by the conditions contained herein.

Is hereby amended to read:

Petitioner shall, for the residential portion of this project, pay the Fair Share Impact Fee in the amount and manner required by the "**Fair Share Contributions for Road Improvements Ordinance**", as it presently exists or from time to time any be amended. Credit for the residential impact fee shall be granted for the design and construction of dual left turn lanes, south approach, at the intersection of Forest Hill Boulevard & South Shore Boulevard as outlined in condition 4 of R-89-2172; and the design and construction of a left turn lane, west approach, at the intersection of Greenbrier Boulevard and Wellington Trace as outlined in condition number 7 of R-89-2172.
(IMPACT FEE COORDINATOR)

3. Condition **E2-A** of R-90-1429 (previously condition 10 A-1 of R-89-2172) presently reads:

The conditions listed below are deemed related to the commercial property located at State Road 80 and the new collector Road.

- A. Developer shall construct a collector road on the above right of way from Aero club drive to Southern Boulevard prior to the issuance of a building permit within the commercial portion of the project, and in no event later than

three **years** after this project's approval. Plans shall be complete within one year of this project's approval. All construction shall be in accordance with the requirement of the County Engineer (Thoroughfare Plan Typical Section) and shall include, but not be limited to:

- 1) A four lane median divided section with raised non-mountable curb and gutter from 200 feet south of the Florida Power and Light Company easement to southern Boulevard, including a new five lane bridge over the C-51 Canal. Construction of Aero Club Drive shall be completed by December 1, **1993**.
- 2) A two lane section from 200 feet south of the Florida Power & Light Company easement referred to above, to Greenview shores Boulevard, plus appropriate transitions from the five lane to two lane section.
- 3) Dual left turn lanes, east approach, left turn lane, west approach on Southern Boulevard.
- 4) A right turn lane, west approach, on Southern Boulevard to serve to the proposed collector road.
- 5) A left turn lane, west approach, on Aero Club Drive to serve the proposed collector **road** and a left turn lane on Aero Club to **service** existing school drive west **of** Osley Farms Road.
- 6) A right turn lane, north approach on the proposed collector road at Aero Club Drive.
- 7) Signalization, when warranted, as determined by the County Engineer, shall be installed at the developer expense at the intersection of:
 - a) Southern Boulevard and the proposed collector road.
 - b) The east-west roadway giving access to the commercial parcel and school sites and proposed collector road.
 - c) The east-west roadway and **any** commercial parcel entrance.
 - d) The collector road and **Aero Club Drive**.
- 8) An 8 foot wide pathway shall be provided on the eastern edge **of** the north-south collector road, in lieu **of** sidewalks from Southern Boulevard to Aero Club Drive and from the east-west collector road to Osley Farms Road including a pedestrian walkway bridge of over the C-2 canal.

B. Petitioner shall construct dual left lanes, east approach, at the intersection **of** the intersection of state Road 80 and Big **Blue** Trace. Plans shall be completed within 18 months and this construction shall be

completed within 3 years of the approval of this project. It is understood that, as a part of this construction, the existing bridge over the C-51 canal shall be **widened or** reconstructed to an appropriate **S-lane** section in accordance with the requirements of the County Engineer. Appropriate transitions from the bridge to the existing pavement shall be provided.

- C. The developer shall provide left turn lane at all approaches at the intersection of the proposed collector road and the north east/west road in the project at the time of construction of the collector road.
- D. The petitioner shall secure the construction of the requirements listed in this Condition Number **10** in the Amount of Six Hundred Thousand Dollars (\$600,000). These funds are to be assured by bond or letter of credit prior to the recordation of a plat in the commercial parcel, or within one year of the projects approval, whichever shall first occur. It is understood that credit against this payment will be granted against the Traffic Impact Fee for construction as outline in Condition **10B**. It is further understood that credit shall also be granted for Condition **No. 10** for any construction in addition to a 1-lane roadway section in site related turn lanes.
- E. Other than site related turn lanes, no further traffic conditions shall be imposed at site plan approval.

Is hereby modified to read:

The conditions listed below are deemed related to the commercial property located south of State Road 50 at Binks Forest Drive and the proposed east-west collector road.

- A. Developer shall complete the construction of Binks Forest Drive per part B. of this condition prior to the issuance of a building permit within the commercial portion of the project, and in no event later than three years after this project's approval. (MONITORING/BUILDING-Engineering)
- B. Plans shall be complete by January 27, 1995. (MONITORING-Engineering)
- C. All construction shall be in accordance with the requirements of the County Engineer (Thoroughfare Plan Typical Section) and shall include, but not be limited to:
 - 1) A four lane median divided section with raised non-mountable curb and gutter from 200 feet south of the Florida Power and Light Company easement to Southern Boulevard, including a new five lane bridge over the C-51 Canal. Construction of Binks Forest Drive shall be completed by December 5, 1994.
 - 2) A two lane section from 200 feet south of

the Florida Power & Light Company easement referred to above, to Aero Club Drive, plus appropriate transitions from the five lane to the two lane section.

- 3) Dual left turn lanes, east approach, left turn lane, west approach on Southern Boulevard at Binks Forest Drive.
 - 4) A left turn lane, west approach, on Aero Club Drive at Binks Forest Drive and left turn lanes, east approach, on Aero Club Drive to service the existing school entrances west of Osley Farms Road.
 - 5) A right turn lane, north approach on Binks Forest Drive at Aero Club Drive.
 - 6) Signalization, when warranted, as determined by the County Engineer, shall be installed at the developer expense at the intersection of:
 - a) Southern Boulevard and Binks Forest Drive.
 - b) The east-west roadway giving access to the commercial parcel and school sites and Binks Forest Drive.
 - c) The east-west roadway and **any** commercial parcel entrance.
 - d) Binks Forest Drive and Aero Club Drive.
 - 7) An 8 foot wide pathway shall be provided on the eastern edge of Binks Forest Drive, in lieu of sidewalks from Southern Boulevard to Aero Club Drive and from the east-west collector road to Osley Farms Road including a pedestrian walkway bridge of over the C-2 Canal.
 - 8) A right turn lane, west approach, on Southern Boulevard at Binks Forest Drive. (MONITORING/ENGINEERING-Engineering)
- D. The developer shall provide left turn lanes at all approaches at the intersection of Binks Forest Drive and the north east/west road in the project at the time of construction of the collector road. (ENGINEERING)
- E. The developer shall submit approved construction plans and a certified cost estimate from the Developer's Engineer **for** all construction as outlined in Condition No. **10A** and **10B** Acceptable Surety in the amount of 110% of the approved certified cost estimate shall be provided to the County Engineer. No building permits for the commercial POD shall be issued until the Plat of this Commercial area has been recorded, and all required sureties have been posted with the County Engineer. (BUILDING-Engineering)
- F. Other than site related turn lanes, no further traffic conditions shall be imposed at site plan approval. (ENGINEERING)
- G. The developer shall fund the design and construction for dual left lanes, east

approach, at the intersection of State Road 80 and Big Blue Trace. It is understood that, as a part of this construction funding, the existing bridge over the C-51 canal shall be widened or reconstructed to an appropriate 5-lane section in accordance with the requirements of the County Engineer. Appropriate transitions from the bridge to the existing pavement shall be provided.

- 1) A certified cost estimate from the Developer's Engineer for the construction as outlined in Condition No. 10F shall be provided to the county Engineer prior to December 1, 1994. (MONITORING-Engineering)
- 2) Funding for this construction shall be completed prior to June 1, 1995. (MONITORING - Engineering)

Commissioner Roberts moved for approval of the Resolution.

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

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|---------------------|-----------|
| MARY MCCARTY, CHAIR | -- Absent |
| BURT AARONSON | -- Aye |
| KEN FOSTER | -- *w |
| MAUDE FORD LEE | -- *w |
| KAREN T. MARCUS | -- Aye |
| WARREN H. NEWELL | -- Absent |
| CAROL ROBERTS | -- Aye |

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of January, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

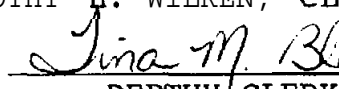
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:



DOROTHY H. WILKEN, CLERK

BY:


DEPTUY CLERK

