

RESOLUTION NO. R-85-1232

RESOLUTION APPROVING ZONING PETITION 85-64, Special Exception

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. 85-64 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th June 1985; 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, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of June 1985, that Petition No. 85-64 the petition of HUMMINGBIRD ASSOCIATZS By William R. Boose, 111, Attorney, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on all of Section 24, less the East 200 feet thereof, and that part of the Southeast 1/4 of Section 13, lying South of West Lake Park Road (formerly known as Kelsey City West Road), less the East 200 feet of Section 13, lying therein, all in Township 42 South, Range 41 East. Said property located on the south side of Northlake Boulevard approximately 1.2 miles west of State Road 7 (U.S. 441) was approved as advertised subject to the following conditions:

1. Prior to Site Plan Certification the plan shall be amended to reflect a list of all recreation facilities and amenities located throughout the P.U.D. for the proposed 8 acres of park and recreation area.

2. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. The petitioner shall preserve areas determined to be viable wetlands through South Florida Water Management District or other government agency permitting processes, and incorporate them into the master plan.

3. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

4. Reasonable measures, shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

5. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

6. Drainage for this development shall be accomplished through connection to a drainage district system prior to the issuance of any building Permits. The development shall also retain onsite the first one inch of the stormwater runoff per Palm Beach County subdivision and Platting Ordinance 73-4, as amended. This project shall receive permitting for drainage by all appropriate government agencies prior to receiving a land development permit.

7. The property owner shall convey a total of:

a) 120 feet of right of way for Alternate State Road 7 on an alignment, approved by the County Engineer, within twelve (12) months of the adoption of the resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. Any right of way conveyance shall not include any berm required for containment of runoff or aesthetic purposes.

b) 60 feet from centerline for the ultimate right of way for Northlake Boulevard.

8. Northlake Boulevard (Alternate State Road 7 to a point approximately 200 feet west of the intersection of Northlake Boulevard and Beeline Highway.) The property owner shall provided:

a) A feasibility study to cost no more than \$50,000. shall be completed within six (6) months of the approval of the resolution by the Board of County Commissioners. Upon completion and receipt of the engineering feasibility study, the County Engineer shall provide written notice to the Developer of the County's election to proceed with the Northlake Boulevard design and construction project or in the alternative this property owner shall provide the addition of two (2) lanes of road construction to Alternate SR 7 from Northlake Boulevard on the south to P.G.A. Blvd., on the north pursuant to Palm Beach County Zoning Petition 84-113 (R-85-36 Ibis Landing) as provided for in Condition #9a.

b) In the event of County's election to proceed with the Northlake Boulevard design and road construction project, Developer shall provide to County the required monies to pay for the engineering design and governmental permitting for the project within forty-five (45) days of receipt of written confirmation from County that County has entered into an agreement for engineering services for the design and permitting project.

Developer shall further provide surety acceptable to the County Engineer's office in an amount not to exceed 1.6 million dollars (less sums advanced for the road design and permitting project referenced above) within forty-five (45) days of receipt of written

notice from County that County will let the contract within a 90 day period for such road improvements or prior to the issuance of a building permit, whichever shall first occur.

9. Alternate State Road 7 (Northlake Boulevard to PGA Boulevard) In the event County determines the Northlake Boulevard construction project provided for in Condition 8 to be unfeasible, the Developer shall provide:

a) Within forty-five (45) days of receipt of written notice from County to Developer that the construction plans for Alternate State Road 7 as a two-lane section (expandable to a six-lane section), from PGA Boulevard to Northlake Boulevard have been accepted by the County, that a minimum of 120 feet of right-of-way for Alternate State Road 7 has been obtained for this road construction project and that a construction project contract for the contemplated work has been executed by the Developer of Ibis Landing (Petition No. 84-113), Developer shall provide surety acceptable to the county Engineer's office in an amount necessary to construct two (2) additional lanes for Alternate State Road 7 from PGA Boulevard on the north to Northlake Boulevard on the south, said construction work to be coincidental with the construction of the initial two-lane section required by Petition 84-113.

10. Eased on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$159,654.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$798,271.00.00 to be paid prior to July 1, 1989.

Credit for this impact fee shall be given for all road construction costs as outlined in Condition numbers 8 and 9.

11. The Property owner shall obtain Permit from the Palm Beach County Engineering Department, Permit Section for access onto Northlake Boulevard.

12. The property owner shall construct, concurrent with the construction of the project's drive onto State Road 7 and North Lake Boulevard, left and right turn lanes on all approaches.

13. The developer shall construct at the intersection of Northlake Boulevard and the project's entrance on Northlake Boulevard traffic signalization, if, and when warranted, as determined by the County Engineer.

14. The property owner shall provide Palm Beach County with a road drainage easement with sufficient retention/detention capacity through this project's internal lake system to legal positive outfall for the road drainage of Northlake Boulevard and State Road 7. This drainage easement shall be subject to all governmental agency requirements.

15. Exact copies of all graphics submitted by the petitioner before the Planning Commission and the Board of County Commissioners shall be made a part of the official file.

16. Prior to certification by the Site Plan Review Committee, the master plan shall be amended to delete the 13.8 acres at the northeast corner of the project and the Planned Unit Development commercial area shall be relocated to the Golf Club/Village commercial parcel located at the intersection of the south property line of the project and the main north/south internal access road for the project. The commercial site shall be limited to a maximum of 60,000 square feet of gross leasable space.

17. No onsite water or sewage system shall be provided.

18. Petitioner shall dedicate to the Board of County Commissioners a 2% acre civic site to be located in Section 24, Township 42S, Range

41E contiguous and adjacent to the previously designated twenty-five (25) acre school site provided by Petition 84-113.

The petitioner agrees that these sites shall be used for school or park recreation facilities at the discretion of the Board of County Commissioners. If these sites are not used for school or park/recreation facilities, they shall revert to the petitioner.

19. Transfer of title and Warranty Deeds to both the school site and the civic/park site, surveys showing and describing the metes and bounds of the respective sites shall be delivered to the Palm beach County Board of County Commissioners within twenty-four (24) months of the effective date of the Resolution of approval of the subject Planned Unit Development by the Board of County Commissioners.

20. This project shall be limited to a total of 500 building permits until road construction contract has been let for Northlake Boulevard as referenced above, or two (2) lanes have been added to Alternate State Road 7 (to provide a total of four lanes) from Northlake Boulevard to PGA Boulevard.

The project shall not proceed beyond 350 building permits of the total 500 building permits until the developer provides an agreement form the Ibis Landing project (Palm Beach County Zoning Petition 84-113) that Ibis Landing will not proceed beyond 550 building permits of a total of 700 building permits previously approved for that project until either of the above road construction contacts (four-laning of Northlake Boulevard from Alternate State Road 7 to Beeline Highway or four-laning of Alternate State Road 7 from Northlake Boulevard to PGA Boulevard) has been let.

21. The above referenced school and park sites shall be provided legal positive outfall into the Seminole Lakes P.U.D. retention lakes.

22. Legal access shall be provided to the school and parks site.

Commissioner Owens, 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:

Ken Adams, Chairman	--	Aye
Karen T. Marcus, Vice Chairman	--	Aye
Kenneth Spillias, Member	--	Aye
Jerry L. Owens, Member	--	Aye
Dorothy Wilken, Member	--	Nay

The foregoing resolution was declared duly passed and adopted this 13th day of August confirming action of the 27th June 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupie  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Sandy Sprague*  
County Attorney