

RESOLUTION NO. R-89- 617

RESOLUTION APPROVING ZONING PETITION NO. 78-225(B)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF WINDWARD PALM BEACH PROPERTIES

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. 78-225(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 6, 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 and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 78-225(B), the petition of WINDWARD PALM BEACH PROPERTIES, by M. Richard Sapir, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS, on a parcel of land lying in Section 13, Township 45 South, Range 42 East: the North 1/2 of the Southwest 1/4, together with the East 1/2 of the Southwest 1/4 of the Northwest 1/4, less those portions thereof lying West and North of the right-of-way of Military Trail (S.R. 809); Together with the West 1/2 of the Southeast 1/4 of the Northwest 1/4, less the West 160.00 feet of the North 272.25 feet thereof, together with an easement 60.00 feet in width for road and utility purposes, more particularly described as the East 30.00 feet of the West 1/2 located on the east side of Military Trail (S.R. 809), bounded on the north by Old Military Trail and on the south by Northwest

22nd Avenue, in a RS-Single Family Residential 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. Condition No. 5 of Petition No. 78-225(A), Resolution No. R-85-15 which presently states:

"5. Petitioner shall provide the construction plans for N.W. 22nd Avenue as a two-lane section from Lawrence Road west to Military Trail, per County Engineer's approval. These plans shall be completed within one year from the approval date by the Board of County Commissioners or prior to the issuance of 100 building permits, whichever shall occur first."

is hereby deleted.

3. Condition No. 6 of Petition No. 78-225(A), Resolution No. R-85-15 which presently states:

"6. Petitioner shall construct N.W. 22nd Avenue as a two-lane section from Lawrence Road west to Military Trail, per condition number 5 above. This construction shall be completed within two years from the approval date by the Board of County Commissioners or prior to issuance of 262 building permits, whichever shall first occur. Surety must be posted for this construction within 90 days of adoption of the resolution by the Board of County Commissioners."

is hereby deleted.

4. Condition No. 8 of Petition No. 78-225(A), Resolution No. R-85-15 which presently states:

"8. Petitioner shall construct on Military Trail at its intersection with N.W. 22nd Avenue, at the time of construction of N.W. 22nd Avenue:

- a) Right turn lane, south approach.
- b) Left turn lane, north approach.
- c) Left turn lane, east approach.
- d) Signalization when warranted, as determined by County Engineer."

is hereby deleted.

5. Condition No. 9 of Petition No. 78-225(A), Resolution No. R-85-15 which presently states:

"9. Petitioner shall construct at the intersection of Lawrence Road and N.W. 22nd Avenue, at the time of construction of N.W. 22nd Avenue, a left turn lane, south approach."

is hereby deleted.

6. Condition No. 10 of Petition No. 78-225(A), Resolution No. R-85-15 which presently states:

"10. Petitioner shall construct a left turn lane, west approach and a right turn lane, east approach on N.W. 22nd Avenue at the project's entrance road, at the time of construction of N.W. 22nd Avenue."

is hereby deleted.

7. Condition No. 11 of Petition No. 78-225(A), Resolution No. R-85-15 which presently states:

"11. Developer shall construct a left turn lane, west approach and a right turn lane, east approach on N.W. 22nd Avenue at the project's entrance road, at the time of construction of N.W. 22nd Avenue."

is hereby deleted.

8. Condition No. 12 of Petition No. 78-225(A), Resolution No. R-85-15 which presently states:

"12. The Petitioner shall provide to Palm Beach County a road drainage easement through the project's internal lake system to legal positive outfall for the road drainage of N.W. 22nd Avenue and Military Trail. This drainage easement shall be subject to all governmental agency requirements."

is hereby deleted.

9. Petitioner shall extend the existing letter of credit, which has been posted with the County to cover the cost of road construction, until July of 1988 and shall likewise provide to the County construction plans for N.W. 22nd Avenue as a two lane section from Lawrence Road west to Military Trail, per County Engineer's approval. These plans shall be completed prior to May of 1988. Petitioner shall further dedicate to Palm Beach County the additional right of way described on Exhibit "1" attached hereto and by this reference made a part hereof, required for the intersection of Military Trail and N.W. 22nd Avenue, due to road misalignment by neighboring developer. Petitioner shall additionally provide Palm Beach County with a

road drainage easement through the project's internal lake system, and shall provide positive outfall for that portion of N.W. 22nd Avenue which abuts subject property. Both the right-of-way and the road drainage easements above specified shall be conveyed to the County within 90 days of approval hereof.

Petitioner shall likewise pay to Palm Beach County a fee of \$50,000 to cover the overhead and administrative costs of road construction. This fee shall be paid prior to or simultaneously with the recordation of the first plat in the project.

It is acknowledged that Palm Beach County will draw down the subject letter of credit within 120 days of approval hereof and will thereafter undertake and complete the required road improvements with the funds above specified, along with other funds available to the County. The Petitioner shall not be obligated to purchase right-of-way or contribute funds other than as set forth herein.

10. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:
building permits for more than 262 dwelling units shall not be issued until N.W. 22nd Avenue has been constructed as a 2 lane section from Military Trail to Lawrence Road plus any appropriate paved tapers.

Commissioner Wilken 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:

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

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 6, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

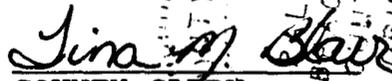
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY CLERK

