

RESOLUTION NO. R-89-2172

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; CONSOLIDATING RESOLUTION NOS. R-79-95, R-85-309, R-86-573-1, AND R-87-1093, ALL OF WHICH RELATE TO THE LANDINGS OF WELLINGTON PLANNED UNIT DEVELOPMENT, ZONING PETITION NOS. 78-287, 78-287(A), 78-287(C) AND 78-287(D); THE PETITION OF COREPOINT CORPORATION, BY MARK BIDWELL, AGENT, FOR A SPECIAL EXCEPTION TO AMEND 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. THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF SOUTHERN BOULEVARD (SR 80), APPROXIMATELY 1.5 MILE WEST OF BIG BLUE TRACE. IT IS BOUNDED ON THE EAST BY 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 A RE-RESIDENTIAL ESTATE ZONING DISTRICT.

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. 78-287(E) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 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. **78-287(E)**, the petition of COREPOINT CORPORATION, by Mark Bidwell, Agent, on a parcel of land lying in 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 waters 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, was approved as advertised, subject to the following conditions:

PART I: CONSOLIDATION OF PRIOR RESOLUTIONS

1. This Resolution consolidates the various conditions which are found in the following Resolutions, into one development order. Although all previous Resolutions shall remain in force and effect as to approval dates and times certain, this document shall control as to specific conditions of approval.
 - A. RESOLUTION NO. **R-79-95**, entitled "RESOLUTION APPROVING ZONING PETITION No. **78-287**, (January **23**, **1979**)", which was the petition of BREAKWATER HOUSING CORPORATION and GOLD FLORIDA, INC., by Guerry Stribling, President, for the REZONING, FROM AG-AGRICULTURAL DISTRICT TO RESIDENTIAL ESTATE DISTRICT AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT, INCLUDING PRIVATE LANDING STRIPS AND GLIDEPORT;
 - B. RESOLUTION NO. **85-309**, entitled "RESOLUTION APPROVING ZONING PETITION No. **78-287(A)**, SPECIAL EXCEPTION, (February **19**, **1985**)", which was the petition of GOLD FLORIDA, INC., BY Jess Gift, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR THE LANDINGS AT WELLINGTON Planned Unit Development PREVIOUSLY APPROVED UNDER ZONING PETITION NO. **78-287**, TO CHANGE HOUSING TYPE FROM SINGLE FAMILY TO SINGLE FAMILY AND MULTIPLE FAMILY WITH THE ADDITION OF RECREATION FACILITIES:
 - C. RESOLUTION NO. **86-573-1**, entitled "RESOLUTION APPROVING ZONING PETITION NO. **78-287(C)**, SPECIAL EXCEPTION,

(January 30, 1988)", which was the petition of COREPOINT CORPORATION By F. Martin Perry, Attorney, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR THE LANDINGS OF WELLINGTON PLANNED UNIT DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 78-287(A), TO INCLUDE A DAY CARE CENTER, ELEMENTARY SCHOOL, AND RELOCATE THE WATER TANK SITE TO POD 5; and,

- D. RESOLUTION NO. 87-1093, entitled "**RESOLUTION** APPROVING ZONING PETITION 78-287(D), Modification of Commission Requirements, (February 26, 1987)", which was the petition of ONCE AROUND THE SANDBOX, INC., by F. Martin Perry, Esquire, for a MODIFICATION OF COMMISSION REQUIREMENTS TO AMEND THE FOLLOWING CONDITION PLACED ON ZONING PETITION NO. 78-287(C).

PART II: CONDITIONS DERIVED FROM PETITION 78-287(E)

2. The developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite:
- A. For the commercial portion of this project, the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division.
- B. For the residential portion of this project, the first one inch of storm water runoff as required by the Land Development Division.

In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

3. The alignment and right-of-way of the proposed Lake Worth Road as it traverses the development shall be provided by the developer in accordance with the requirements of the County Engineer within one year of the projects' approval. Further, proposed Lake Worth Road shall be renamed Greenview Shores Boulevard/Aero Club Drive.
4. Petitioner shall construct dual left turn lanes, south approach, at the intersection of Forest Hill Boulevard and South Shore Boulevard. It is intended that any reconstruction of the intersection necessary to accommodate these dual left turn lanes shall be accomplished by the petitioner in accordance with the requirements of the County engineer. The cost of any signal modifications necessitated

by this construction shall be borne by the petitioner. Plans shall be completed within one year **of** this project's approval. All modifications at this intersection shall be accomplished within three years **of** the approval of this project. The County Engineer at his option may delay this construction depending on the traffic circumstances at the intersection.

5. Petitioner shall construct left turn lane, north approach, at the intersection of Greenview Shores Boulevard and South Shore Boulevard. Plans shall be completed within one year **of** this project's approval. This construction shall be completed within two years of this project's approval.
6. Petitioner shall construct left turn lane, south approach, at the intersection of Greenview Shores Boulevard and Greenbriar Boulevard. Plans shall be completed within one year of this project's approval. This construction shall be completed within two years **of** this project's approval, whichever shall first occur.
7. Petitioner shall construct left turn lane, west approach, at the intersection of Greenbriar Boulevard and Wellington Trace. Plans for this construction shall be completed within six (**6**) months of the project's approval and construction shall be completed within one year of this project's approval.
8. 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 may be amended. It is understood that no credit against the residential impact fees will be granted for any off-site road construction required by the conditions contained herein.
9. The developer shall provide a minimum of **80** feet of road right-of-way through the project from Aero Club Drive to Southern Boulevard and from Aero Club Drive east to the C-2 AID Canal for the roadway serving the proposed **15** acre school and **30** acre commercial site. This right-of-way shall be dedicated to Palm Beach County within six months of the approval of this project. This right-of-way shall be on an alignment approved by the County Engineer and shall align with the existing shell **Rock** Road to the north for the proposed north - south collector roadway.
10. The conditions listed below are deemed related to the commercial property located at S.R. **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 this 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 completed within one year of this project's

approval. 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 five lane section from 200 feet south of the Florida Power & Light Co. easement to Southern Boulevard, including a new five lane bridge over the C-51 Canal.
 2. A two lane section from 200 feet south of the Florida Power & Light Co. easement referenced 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 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 serve existing school drive west of Osley 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's 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 Oaxlev Farms Road including a pedestrian walkway bridge over the C-2 Canal.
- B. Petitioner shall construct dual left turn lanes, east approach at the intersection of S.R. 80 and Big Blue Trace. Plans shall be completed within 18 months and this construction shall be completed within three 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 5 lane section in

accordance with the requirements of the County Engineer. Appropriate transitions from the bridge to meet existing pavement shall be provided.

- C. Developer shall provide left turn lanes on all approaches at the intersection of the proposed collector road and the north east/west road in the project at time of construction of the collector road.
 - D. The petitioner shall secure the construction of the requirements listed in this condition **No. 10** in the amount of six hundred thousand dollars (**\$600,000.00**). 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 project's approval, whichever shall first occur. It is understood that credit against this payment will be granted against the traffic impact fee for construction outlined in condition 10B. It is further understood that credit shall also be granted for condition **No. 10** for any construction in addition to a two lane roadway section and site related turn lanes.
 - E. Other than site related turn lanes no further traffic conditions shall be imposed at site plan approval.
11. There shall be no direct access to the commercial site on **S.R. 80** or to the proposed north - south collector road. Access to the commercial site shall be from the east - west collector road only.
12. The developer shall preserve existing significant vegetation wherever possible and shall incorporate this vegetation into the project design during site clearing and construction.
- A. The native canopy and understory vegetation located in the northern one-third of the Planned Unit Development, known as Bink's Forest, shall be preserved to the greatest extent possible. The area to the extreme southeast corner of the Planned Unit Development, known as the School/Park Site, shall incorporate preservation areas consisting of the individual cypress trees into the final design.
 - B. Prior to the petitioner receiving site plan approval for the individual school sites and commercial sites, a detailed vegetation inventory shall be submitted to the Zoning Division. The inventory and accompanying site plan shall locate and verify the preservation of existing native vegetation within all perimeter landscape buffers, preservation areas, and interior landscape islands and medians. The preservation areas shall be identified on the site plan. The plan shall show how the vegetation and preservation areas are incorporated into the design layout.
 - C. Within the project's north commercial pod and school site, the petitioner shall expand the required twenty-

five (25) landscape buffer to a minimum of fifty (50) feet. The expanded buffer shall extend along the northern, eastern and western property boundaries of the commercial and school sites that abut the boundary of the Planned Unit Development. This buffer shall be exclusive of the C-51 Canal rights-of-way and easements along the northern and eastern boundary. In order to provide a solid visual barrier from Southern Boulevard the petitioners shall preserve all native vegetation within the buffers. In areas where the existing native vegetation does not provide a visual screen the petitioner shall install understory hedge plantings and canopy vegetation characteristic of the native canopy tree species associated with the native vegetative community. The trees shall be planted in double rows a maximum of thirty (30) feet on center and the understory shall be planted to provide a visual four (4) foot high screen within two (2) years. All native vegetation within the buffer shall be preserved. A solid six (6) foot fence or wall shall be installed on the eastern boundary of the fifty (50) foot buffer of the school site. The fence or wall shall be properly maintained.

- D. Clearing shall be limited to the developable area, retention areas, right-of-way, and building pods. Areas of existing vegetation to be preserved shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code during the site development and construction phase.

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

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

Developer will deed to the School Board of Palm Beach County a twenty (20) acre school site in the original Wellington planned unit development within ninety (90) days. The site will be located on the east side of Big Blue Trace and adjacent to Acme Drainage District C-12 Canal. (It is understood that this condition has been satisfied.)

Developer will identify on The Landings at Wellington Master Plan a thirty (30) acre middle school site and deed the site to the School Board of Palm Beach County within one hundred twenty (120) days after approval of The Landings at Wellington planned unit development. (It is understood that this condition has been satisfied.)

Developer will identify on the Landings at Wellington Master Plan a fifteen acre (15) school site. This school site will be located adjacent to the intersection of the C-51 and C-2

canals. This site shall be deeded to the School Board of Palm Beach County within ninety (90) days.

18. There shall be no commercial signage visible from Southern Boulevard indicating existence of the commercial tracts or soliciting patrons for any business tenant.
19. Developer shall construct a culvert crossing over the C-2 canal to connect the access road for the school site to Osley Road. The developer shall pave Osley Road as a two (2) lane section from Greenbriar Boulevard including the appropriate berming and landscape. This shall include a three (3) lane section from south of the proposed collector road to the C-51 canal bridge, if Ranchwood remains open at Osley. If Ranchwood is abandoned, a south approach left turn lane on Osley at the proposed east/west collector road would be required with a two (2) lane section to Southern Boulevard. All construction outlined in this condition shall be completed within three (3) years of this project's approval.
20. The petitioner shall indicate the pedestrian circulation system on the Master Plan to indicate a pathway system to the proposed school sites and shall be responsible for its construction. This system shall be constructed concurrent with the roadway construction.
21. All property included in the legal description of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for: Formation of a single "master" property owner's association and automatic membership in the "master" association by any party holding title to any portion of the property included in the Planned Unit Development.
22. It is understood that all cited referenced in the foregoing conditions refer to the date of the Resolution approving petition No. 78-287(E).
23. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
24. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
25. Prior to any clearing or issuance of a valid building permit for the individual commercial sites and school site, the petitioners shall contact the Zoning Division to arrange a pre-clearing inspection to determine preservation, relocation, and incorporation of vegetation into the design layout.
26. Failure to comply with any conditions of approval 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 violations of the Palm Beach County Zoning Code.

27. Prior to certification of the master plan at Site Plan Review Committee Meeting, the master plan shall be amended to reflect:
- A. The acreages of the proposed day care facility and the proposed water tank site.
 - B. The tabular shall reflect a current dwelling unit count for all pods that have been site planned and/or platted.
28. Prior to certification of the site development plan for the southern school site, the school board shall prepare an aeronautical study to examine the location and intensity of the Wellington Aero Club's flight operation facility on the school site. The study shall be subject to approval by Palm Beach County's Department of Airports.

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

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|--------------------|----|-----|
| Carol J. Elmquist | -- | AYE |
| Karen T. Marcus | -- | AYE |
| Carol A. Roberts | -- | AYE |
| Ron Howard | -- | AYE |
| Carole E. Phillips | -- | AYE |

The foregoing resolution was declared duly passed and adopted this 5th day of December, 1989 confirming action of November 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: *Paula Altman*
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Karen T. Marcus*
DEPUTY CLERK