

RESOLUTION NO. R-83-1041

RESOLUTION APPROVING ZONING PETITION 83-18, 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. 83-18 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24th March 1983; 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. The proposed density and land use is consistent with the limits established by the Comprehensive Plan.
2. In order to meet the Mandatory Performance Standards, the project must be phased.
3. The Master Plan meets the requirements of the Planned Unit Development provisions of the zoning code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 24th day of March, 1983, that Petition No. 83-18 the petition of PETER I.B. LAVANAND PHILLIP D. O'CONNELL, AS TRUSTEE, By Douglas G. Howell, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT INCLUDING AN ON-SITE SEWAGE TREATMENT PLANT on the West 1/2 of Section 23, Township 42 South, Range 41 East, and that part of the West 1/2 of Section 14, Township 42 South, Range 41 East lying South of the right-of-way of Lake Park West Road. Together with all of Section 26, Township 42 South, Range 41 East. Less and excepting that certain 60 foot wide strip

of land in said Section 26, as described and recorded in Official Record Book 3431, Page 762. Said property located on the south side of Lake Park West Road, approximately 1-1/2 miles west of S.R. 7 (U.S. 441), was approved as advertised subject to the following conditions:

1. The property owner shall convey to Palm Beach County, within ninety (90) days of approval, 60 feet from center-line for the ultimate right-of-way for Northlake Boulevard, approximately an additional 10 feet of right-of-way.
2. The developer shall construct, concurrent with the filing of the first plat:
 - a) Northlake Boulevard from the existing western paved terminus west to the project's west property line.
 - b) On Northlake Boulevard at the project's entrance road, a left turn lane, east approach.
 - c) At the intersection of Northlake Boulevard and S.R. 710 (and/or to be included in the plan preparation as outlined in Condition No. 5 below):
 1. Left turn lane, north approach
 2. Right turn lane, north approach
 3. Left turn lane, south approach
 4. Right turn lane, south approach
 5. Left turn lane, east approach
 6. Right turn lane, east approach
 7. Left turn lane, west approach
 8. Right turn lane, west approach
3. The developer shall install signalization at the intersection of S.R. 710 and Northlake Boulevard, when warranted as determined by the County Engineer, but shall be no later than five (5) years after the issuance of the final certification of occupancy.
4. The first plat shall not be filed until the property has been incorporated into the Indian Trail Water District and either:
 - a) The district has formally agreed to assume service responsibility for any drainage pumps to be temporarily used for drainage; or
 - b) Legal positive outfall has been obtained from the District and approved by the County Engineer.
5. The developer shall prepare the construction plans for Northlake Boulevard as a 4-lane median divided section from a point 200 feet west of the west right-of-way of Beeline Highway through the intersection of Ryder Cup Boulevard including appropriate tapers per the County Engineer's approval. These plans to be compatible with the Department of Transportation's plans for Beeline Highway. These plans shall be completed and approved within 12 months of Special Exception approval. Aerial photographs shall be provided by the County Engineer's office on a reimbursable basis from the developer at the County's cost.

6. The developer shall contribute a total sum of \$375,000 in the form of work contribution, toward the 4-laning of Northlake Boulevard from Beeline Highway to Ryder Cup Boulevard. This sum includes the cost of the above-said plans and drawings ; however, the maximum credit for these plans shall not exceed \$75,000.
7. The developer shall provide surety per the County Engineer's approval to guarantee the above said work contribution, as outlined in Condition No. 6 above. Surety shall be phased as follows :

Phase I - 253 lots time \$764/lot less the cost of said plans to be pa-id at the time of the filing of the first plat .

Phase II - Surety for the balance shall be posted commensurate with the filing of the Phase I plat.

All work as outlined in Conditions No. 6 and 7, shall be accomplished within four (4) years of Special Exception approval.
 - a. If 4a above is utilized and the first plat filed, legal outfall must be obtained prior to platting of more than 253 lots referenced in 4b.
9. The developer shall preserve existing stands of significant native vegetation and shall not disturb these areas except for the installation of required drainage, roadway, building pad, golf course, and driveway improvements.
10. The developer or his successor shall reserve the civic site for a period of ten (10) years, for dedication without cost to any governmental agency which may require said property subject to the consent of the Board of County Commissioners. After said ten (10) year period, the developer or his successor may develop the property for any civic, institutional, educational, or recreational purpose subject to site plan approval.
11. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.
12. The developer shall take necessary measures during the development of this property to prevent pollutant run-off to neighboring and nearby surface waters.
13. The proposed sewage treatment plant shall be located as close to the geographic center of the development as possible in order to provide maximum separation from abutting properties.
14. The development shall be subject to any general policies adopted by the Board regarding septic tanks.
15. The developer shall maintain at his own expense the shell-rock portion of Northlake Boulevard between the project's entrance and the existing pavement in a condition acceptable to the County Engineer, during the period of construction of this development.

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

Peggy E. Evatt, Chairman	-	ABSENT
Ken Spillias, Vice Chairman	-	AYE
Dennis P. Koehler, Member	-	ABSENT
Dorothy Wilken, Member	-	AYE
Bill Bailey, Member	-	AYE

The foregoing resolution was declared duly passed and
adopted this 13th day of September, 1983, confirming action
of 24th March 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Rudolph M. ...*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Catlett
County Attorney

