

RESOLUTION NO. R-91-1721

RESOLUTION APPROVING ZONING PETITION NO. 78-287(G)
SPECIAL EXCEPTION PETITION OF COREPOINT CORP.

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, have been satisfied; and

WHEREAS, Petition No. 78-287(G) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on September 4, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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 the 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY "HE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 78-287(G), the petition of COREPOINT CORP., BY GEORGE DeGUARDIOLA, AGENT, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR THE LANDINGS AT WELLINGTON P W TO ADD TWO ACCESS POINTS on a parcel of land lying in 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°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°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°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, and being located ON THE S SIDE C-51 CANAL E AND W OF BINKS FOREST DR. AND SOUTHERN BLVD., IN THE RE ZONING DISTRICT, was approved on August 29, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein.
2. Prior to certification, the Master Plan shall be amended to indicate compliance with all previously approved plats/site plans, and all minimum property development regulations and land development requirements of Palm Beach County.
3. Development of the site is limited to the uses and site design shown on the Master Plan approved by the Board of County Commissioners (Exhibit No. 130). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7 (E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.
4. The petitioner shall submit an application to the Site Plan Review Committee for the certification of the Master Plan approved by the Board of County Commissioners for this site prior to, or concurrent with, submittal of the Master Plan for Zoning Petition 91-16.

B. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the subject rights-of-way, the petitioner shall connect the rights-of-way irrigation to the system. The cost for connection shall be borne by the property owner.

C. LANDSCAPING - GENERAL

1. Prior to certification, each remaining site plan shall be revised to reflect conformance to current Landscape Code requirements.
2. All trees required by this petition shall be upgraded as follows:
 - a. Minimum tree height - 14 feet.
 - b. Minimum trunk diameter - 3.5 inches at 4.5 feet above grade.
 - c. Minimum canopy diameter - 7 feet. The diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.

R 91 1721

D. LANDSCAPING AND DESIGN

1. All roadway construction related to this approval shall be designed to minimize traffic use in conformance with the street design standards for the Town of Wellington DRI.
2. The northern access drive, from Binks Forest Drive to Flying Cow Ranch Road along the north boundary of an existing 340 foot wide FPL easement, shall be a maximum 60 foot wide right-of-way.
3. The southern access drive, from Aero Club Drive to Flying Cow Ranch Road along the north boundary of the 100 foot wide C-23 Canal, shall be a maximum 40 foot wide right-of-way.
4. Landscaping shall be installed within the subject rights-of-way in accordance with the street design standards for the Town of Wellington DRI.
5. At the time of construction of Connector Road No. 1 serving Neighborhood 5 of the Town of Wellington DRI, any golf cart crossings shall be grade separated. The plans for construction shall be reviewed and approved by the County Engineer.

E. ENGINEERING

1. Appropriate turn lanes as determined by the County Engineer shall be constructed concurrent with the construction of the proposed roadways from the Town of Wellington.

F. LIGHTING

1. All street lighting shall be of low intensity, shielded and directed downward away from adjacent properties.
2. Lighting fixtures shall not exceed twenty (20) feet in height.

G. RECYCLE SOLID WASTE

1. All property owners shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.

H. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or

R 91 1721

- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

- 2. The approval of this petition shall not affect any Zoning Code Section 402.9 (Mandatory Review of Development Approval) review date established as the result of a previous approval for this property.

Commissioner Elmquist moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of November, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK