

RESOLUTION NO. R-93-

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 83-18.2
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-83-1041
WHICH APPROVED THE SPECIAL EXCEPTION OF
PETER I.B. LAVAN AND PYILLIP O' CONNELL, AS TRUSTEE
PETITION NO. 83-18

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 402.9 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, pursuant to Section 402.9, Status Report SR 83-18.2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on July 30, 1992; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 83-18.2 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 402.9 of the Palm Beach County Zoning Code authorizes the Board of County Commissioners to add or modify conditions of approval; 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; and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

WHEREAS, Section 402.5 of the Palm Beach County 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 THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. SR 83-18.2, amending Conditions of Approval of Resolution No. R-83-1041, the Special Exception of Peter I.B. Lavan and Phillip O' Connell, as Trustee, Petition No. 83-18, confirmed by the adoption of Resolution R-83-1041, which granted a Special Exception to allow a Planned Unit Development (Stonewal Estates), 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 Records Book 3431, Page 762., being located on the south side of Northlake Boulevard, approximately one and one-half (1.5) miles west of State Road #7 (U.S. #441) in an RE-Residential Estate District, is approved, subject to the following conditions:

of approval unless expressly modified herein.

2. Condition number 6 of Resolution R-83-1041 (Petition 83-18) which currently states:

The developer shall contribute a total sum of \$375,000.00 in the form of work contribution toward the four-laning of Northlake Boulevard from Beeline Highway to Ryder Cup Boulevard. This sum includes the cost of the above-said plans and drawing; however, the maximum credit for these plans shall not exceed \$75,000.00.

is hereby amended to state:

The developer shall contribute a total sum of \$375,000.00 toward the improvement of Northlake Boulevard, as follows:

- a. The developer shall provide Palm Beach County with \$75,000.00 in work product in the form of construction plans (condition fulfilled).
- b. The developer shall provide Palm Beach County with a total of \$300,000.00 on October 1, 1994, to be used toward the construction of Northlake Boulevard. The amount of payment made on October 1, 1994 shall be \$300,000.00, reduced by the traffic impact fees which have been paid previous to this date by development within the Stonewal Estates PUD. An account shall be established to accumulate traffic impact fees paid prior to October 1, 1994. It is the intent that the total of the impact fees and the cash paid on October 1, 1994 shall be \$300,000.00.

The existing surety for condition number 6 of Resolution R-83-1041 shall be replaced prior to October 1, 1992, with an irrevocable surety in a form acceptable to the County Engineer and in the amount of \$300,000.00, less the amount of impact fees already paid by building permits pulled within Stonewal Estates PUD. This irrevocable surety may be drawn on October 1, 1994 if cash payment is not made on that date. The cash payment made on October 1, 1994, shall be used as credit toward future traffic impact fees, paid by development within the Stonewal Estates PUD.

3. Condition number 10 of Resolution number R-83-1041 (Petition 83-18) which states:

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, or recreational purpose subject to site plan approval.

is hereby amended to state:

- a. On the plat of the property, the developer shall dedicate to Palm Beach County for governmental purposes the parcel of land shown on the current Master Plan as "Governmental Services - 19.7 Acres" on or before August 1, 1993. Said plat dedication shall require that the use by County of

this parcel shall be compatible with surrounding uses within the development. (MONITORING-PREM)

- b. Prior to plat dedication, developer shall provide either a Title Insurance Policy or an attorney's opinion of title verifying marketable title to the civic site. (PREM)
- c. Prior to plat dedication, developer shall provide the County with a certified survey of the proposed civic site; survey shall reflect the boundary and topographical areas of the site. Surveyor shall use the following criteria:
 - 1) The survey shall meet minimum technical standards for a boundary survey as prescribed by F.A.C. 21HH.6.
 - 2) The survey shall include location of any proposed water retention areas that will border the civic site.

Survey is also subject to the County's approval of the location of any proposed or existing easements within the proposed civic site. (ENGINEERING-PREM)

- d. Prior to and following plat dedication, the county shall be given unrestricted access to the governmental services area to monitor the property as a governmental site. (PREM)

Commissioner
Resolution.

moved for approval of the

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

and, upon

MARY MCCARTY, CHAIR	--
BURT AARONSON	--
KEN FOSTER	--
MAUDE FORD LEE	--
KAREN T. MARCUS	--
WARREN H. NEWELL	--
CAROL ROBERTS	--

The Chair thereupon declared the resolution was duly passed and adopted this ____ day of _____, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: _____

BY: _____