

RESOLUTION NO. R-95-1319

RESOLUTION APPROVING ZONING PETITION DOA78-287(H)
DEVELOPMENT ORDER AMENDMENT
PETITION OF OREO, INC.
KILDAY & ASSOCATES, AGENT

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA78-287(H) was presented to the Board of County Commissioners at a public hearing conducted on September 28, 1995; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, with conditions **as** adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning **of** the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition **DOA78-287(H)** the petition **of** Oreo, Inc. for a Development Order Amendment (DOA) to amend the master plan for the Landings at Wellington PUD **to** redesignate a commercial pod to residential and modify Condition 3 (Engineering) of R-94-117, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on September 28, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval **of** the Resolution.

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

Ken Foster, Chair	--	Absent
Burt Aaronson	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of September, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

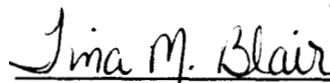
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

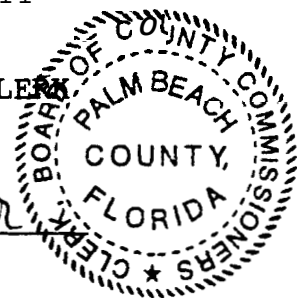


EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT " A
THE LANDINGS AT WELLINGTON PUD

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, less plats recorded as follows: Plat Book 38, Page 127; Plat Book 38, Pages 159-164; Plat Book 39, Pages 38-41; Plat Book 56, Page 25; Plat Book 63, Pages 20-26; Plat Book 63, Pages 27-31; Plat Book 63, Pages 32-37; Plat Book 63, Pages 38-42; Plat Book 64, Pages 97-105; and Plat Book 67, Pages 56-67, being located on the south side of Southern Boulevard (SR 80), approximately 1.5 miles west of Big Blue Trace. It is bounded on the east by the 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 the RE-Residential Estate Zoning District.

1,693 acres more or less.

EXHIBIT B
VICINITY SKETCH

THE LANDINGS
AT WELLINGTON
P.U.D.

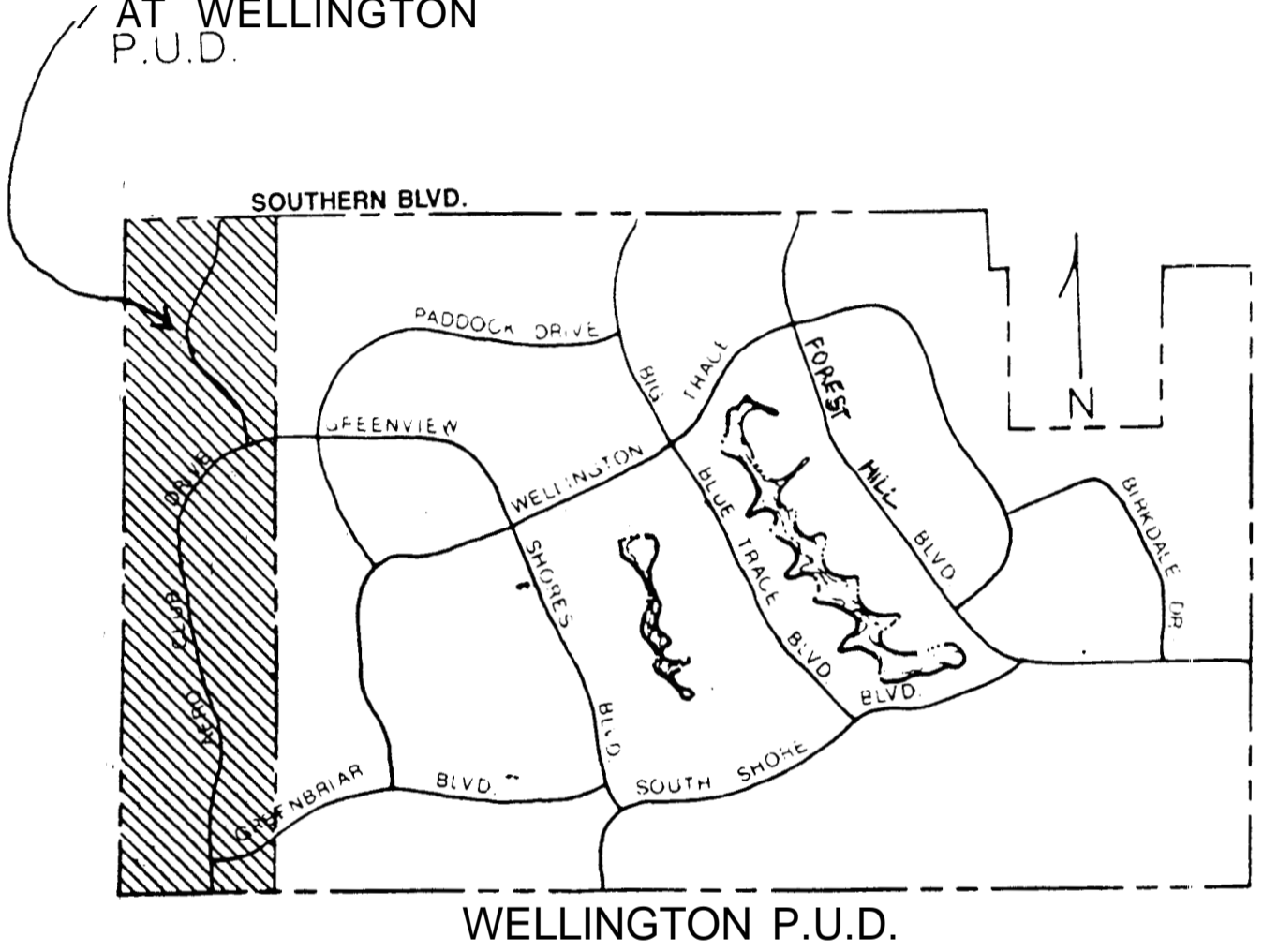


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

B. PARKS

1. The developer of POD "K" shall provide 0.252 acres of developed, onsite recreation for the residents of POD "K" (PARKS)

C. PLANNED DEVELOPMENT

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (ENGINEERING)
2. Street trees shall be planted within or adjacent to all rights-of-way pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (ENGINEERING-Zoning)
3. Street bike lanes shall be provided pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (ENGINEERING)
4. All utilities shall be underground pursuant to Section 6.8.A.23.d(5) of the ULDC. (ENGINEERING)

D. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC 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; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provision; of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of condition; of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.
(MONITORING)

E. ENGINEERING

1. The conditions listed below are deemed related to the commercial property located south of State Road 80 at Binks Forest Drive and the proposed east-west collector road.

- a. Developer shall complete the construction of Binks Forest Drive per part B. of this condition prior to the 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. (BUILDING-Engineering) (Previously Condition 3.A. of Resolution R-94-117)

NOTE: Construction has been completed but not finalized.

- b. Condition 3.B. of Resolution R-94-117 which currently states:

Plans shall be complete by January 27, 1995.

Is hereby deleted.

- c. 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 four lane median divided section with raised non-mountable curb and gutter from 200 feet south of the Florida Power and Light Company easement to Southern Boulevard, including a new five lane bridge over the C-51 Canal. Construction of Binks Forest Drive shall be completed by December 5, 1994.

NOTE: Construction has been completed but not finalized.

- 2) A two lane section from 200 feet south of the Florida Power & Light Company easement referred to above, to Aero Club Drive, plus appropriate transitions from the five lane to the two lane section.

NOTE: Construction has been completed and finalized.

- 3) Dual left turn lane, east approach, left turn lane, west approach on Southern Boulevard at Binks Forest Drive.

- 4) A left turn lane, west approach, on Aero Club Drive at Binks Forest Drive and left turn lanes, east approach, on Aero Club Drive to service the existing school entrances west of Osley Farms Road. NOTE: Construction has been completed but not finalized.

- 5) A right turn lane, north approach on Binks Forest Drive at Aero Club Drive.

NOTE: Construction has been completed but not finalized.

- 6) Signalization, when warranted, as determined by the County Engineer, shall be installed at the developer expense at the intersection of:

- a) Southern Boulevard at Binks Forest Drive.

- b) The east-west roadway giving access to the commercial parcel and school sites and Bink's Forest Drive.

- c) Condition 3.c.6.c, of Resolution R-94-117, which currently states:

The east-west roadway and any commercial parcel entrance.

Is hereby deleted.

- d) Binks Forest Drive and Aero Club Drive.

- 7) An 8 foot wide pathway shall be provided on the eastern edge of Binks Forest Drive, in lieu of sidewalks from Southern Boulevard to Aero Club Drive and from the east-west collector road to Osley Farms Road including a pedestrian walkway bridge over the C-2 Canal.

- 8) A right turn lane, west approach, on Southern Boulevard at Binks Forest Drive. (Previously Condition 3.C. of Resolution R-94-117) (MONITORING/ENGINEERING-Engineering)

NOTE: Construction has been completed.

- d. The developer shall provide left turn lanes at all approaches at the intersection of Binks Forest Drive and the north east/west road in the project at the time of construction of the collector road. (Previously Condition 3.D. of Resolution R-94-117) (ENGINEERING)

NOTE: Construction has been completed but not finalized.

- e. The developer shall submit approved construction plans and a certified cost estimate from the Developer's Engineer for all construction as outlined in Condition No. A and B Acceptable Surety in the amount of 110% of the approved certified cost estimate shall be provided to the County Engineer. No building permits for the Commercial POD shall be issued until the Plat of this Commercial area has been recorded, and all required sureties have been posed with the County Engineer. (Previously Condition 3.E. of Resolution R-94-117) (BUILDING-Engineering)

- f. Condition 3.f, of Resolution R-94-117, which currently states:

Other than site related turn lanes, no further traffic conditions shall be imposed at site plan approval.

Is hereby deleted.

- g. Condition 3.g, of Resolution R-94-117, which currently states:

The developer shall fund the design and construction of dual left turn lanes, east approach, at the intersection of State Road 80 and Big Blue Trace. It is understood that, as a part of this construction funding, 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 the existing pavement shall be provided.

- 1) A certified cost estimate from the Developer's Engineer for the construction as outlined in Condition No. F shall be provided to the County Engineer prior to December 1, 1994.
- 2) Funding for this construction shall be completed prior to June 1, 1995.

Is hereby deleted.