

RESOLUTION NO. R- 86-627

RESOLUTION APPROVING ZONING PETITION 80-89(A), Modification

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. 80-89(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th February 1986; 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of February 1986, that Petition No. 80-89(A) the petition of LANTANA WEST CENTER ASSOCIATES, LTD., By Harvey Taylor, Agent, to MODIFY THE FOLLOWING SPECIAL CONDITIONS PLACED ON ZONING PETITION NO. 80-89, APPROVED MAY 29, 1980:

CONDITION NO. 2 STATES:

2. Petitioner shall construct Jog Road from Lantana Road to this project's south property line, per the County Engineer's approved alignment (before the issuance of a Certificate of Occupancy). The County shall be responsible for the acquisition of additional right-of-way needed to satisfy this condition, and the petitioner shall reimburse the County for same.

REQUEST: TO MODIFY CONDITION NO. 2 TO READ:

2. Petitioner shall construct Jog Road from Lantana Road to this project's south property line, per the County Engineer's approved alignment within 150 days of issuance of a Certificate of Occupancy. The County shall be responsible for the acquisition of additional right-of-way needed to satisfy this condition, and the petitioner shall reimburse the County for same.

CONDITION NO. 3 STATES:

3. Petitioner shall construct at the intersection of Jog Road/Lantana Road on a pro-rata basis, (prior to the issuance of a Certificate of Occupancy):

- a. Left turn lane, north approach, on Jog Road
- b. Right turn lane, north approach, on Jog Road
- c. Left turn lane, south approach, on Jog Road
- d. Left turn lane, east approach, on Lantana Road
- e. Left turn lane, west approach, on Lantana Road

REQUEST: TO MODIFY CONDITION NO. 3 TO READ:

3. Petitioner shall construct at the intersection of Jog Road/Lantana Road on a pro-rata basis, within 150 days of issuance of a Certificate of Occupancy:

- a. Left turn lane, north approach, on Jog Road
- b. Right turn lane, north approach, on Jog Road
- c. Left turn lane, south approach, on Jog Road
- d. Left turn lane, east approach, on Lantana Road
- e. Left turn lane, west approach, on Lantana Road

CONDITION NO. 4 STATES: 4. Petitioner shall construct:

- a. Left turn lane, east approach, on Lantana Road at the project's west entrance
- b. Right turn lane, west approach, on Lantana Road at the project's west entrance
- c. Left turn lane, south approach, on Jog Road at the project's south entrance

REQUEST: CONDITION NO. 4 TO READ: 4. Petitioner shall construct within 150 days of issuance of Certificate of Occupancy:

- a. Left turn lane, east approach, on Lantana Road at the project's west entrance

b. Right turn lane, west approach, on Lantana Road at the project's west entrance

c. Left turn lane, south approach, on Jog Road at the project's south entrance

Said property located on the southwest corner of the intersection of Lantana West Road (S.R. 812) and Jog Road in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. Condition No. 2 which states:

"2. Petitioner shall construct Jog Road from Lantana Road to this project's south property line, per the County Engineer's approved alignment before the issuance of a Certificate of Occupancy. The County shall be responsible for the acquisition of additional right-of-way needed to satisfy this condition, and the petitioner shall reimburse the County for same."

is hereby amended to state:

"2. The property owner shall construct:

a) Jog Road as 4 lane median divided section from a STA 105 + 30 to STA 129 + 70 plus the appropriate paved tapers per the existing approved construction plans.

b) Lantana Road as a 4 lane median divided section from STA 17 + 32 to STA 30 + 42 plus the appropriate paved tapers per the existing approved construction plans.

This construction shall be completed within 150 days of the first Certificate of Occupancy or prior to December 31, 1986 whichever shall first occur.

2. Condition No. 3 which states:

"3. Petitioner shall construct at the intersection of Jog Road/Lantana Road on a pro-rata basis, prior to the issuance of a Certificate of Occupancy:

- a. Left turn lane, north approach, on Jog Road
- b. Right turn lane, north approach, on Jog Road
- c. Left turn lane, south approach, on Jog Road
- d. Left turn lane, east approach, on Lantana Road
- e. Left turn lane, west approach, on Lantana Road]"

is hereby amended to state:

"3. Property owner shall construct the following temporary turn lanes prior to the issuance of a Certificate of Occupancy per the County Engineers approval:

a) Left turn lane, east approach, on Lantana Road at the project's entrance road.

b) Left turn lane, north, south, east and west approaches at the intersection of Lantana Road and Jog Road.

c) Left turn lane, south approach on Jog Road at project entrance road.

Note these turn lanes shall be temporary until construction of the 4 laning of Jog Road and Lantana Road has been completed. These turn lanes shall not be credited toward any Fair Share Impact Fees."

3. Condition No. 4 which states:

"4. Petitioner shall construct:

- a. Left turn lane, east approach, on Lantana Road at the project's west entrance
- b. Right turn lane, west approach, on Lantana Road at the project's west entrance
- c. Left turn lane, south approach, on Jog Road at the project's south entrance."

is hereby amended to state:

- "4. Property owner shall construct the following turn lanes concurrent with the 4 laning of Jog Road and Lantana Road:
- a) Left turn lane, east approach on Lantana Road at the project's middle entrance on Lantana Road.
  - b) Left turn lane, south approach on Jog Road at the project's north entrance.
  - c) Left turn lane, south approach on Jog Road at the project's south entrance."

4. Condition No. 7 which states:

"7. Petitioner shall contribute One Hundred Fifty Thousand Three Hundred Dollars (\$150,300.00) or Seven Hundred Thirteen Dollars (\$713.00)/1,000 sq. ft. for the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of building permit(s). This fee shall be credited towards the cost of acquiring the right of way, rebuilding, and realigning Jog Road."

is hereby amended to state:

"7. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended.

Credit for the impact fee pursuant to said ordinance shall be given for the road construction as outlined in Condition No. 2, if permitted by said ordinance.

Property owner shall post performance security acceptable to the County Engineer and County Attorney's office prior to the issuance of a Certificate of Occupancy required for the construction of Condition No. 2."

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

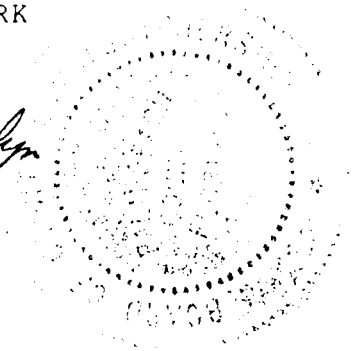
Karen T. Marcus, Chairman	--	AYE
Jerry Owens, Vice Chairman	--	AYE
Dorothy Wilken, Member	--	AYE
Kenneth Spillias, Member	--	ABSENT
Kenneth Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 13th day of May, 1986 confirming action of the 27th February 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

John B. Dunkle  
County Attorney