

RESOLUTION NO. R- 88-677

RESOLUTION OF THE  
BOARD OF COUNTY COMMISSIONERS  
OF PALM BEACH COUNTY, FLORIDA

RESOLUTION APPROVING ZONING PETITION 84-95(A):  
Modification of Commission Requirements

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. 84-95(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 1, 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 1st day of December, 1986, that: Petition No. 84-95(A), the petition of MISSION BAY DEVELOPMENT CO. INC. By Alan J. Ciklin, Esquire, for a MODIFICATION OF COMMISSION REQUIREMENTS TO AMEND CERTAIN CONDITIONS PLACED ON ZONING PETITION NO. 84-95, APPROVED JUNE 29, 1986 on Tracts 6 through 12, inclusive, Tracts 21 through 28 inclusive, Tracts 33 through 64 inclusive, all in Section 13, Township 47 South, Range 41 East, according to the Plat of Florida Fruit Lands Company's Subdivision #2, recorded in Plat Book 1, Page 102; together with the South 3/4 of the East 1/4 of Section 14, Township 47 South, Range 41 East, LESS: Beginning at the Northwest corner of Section 24, Township 47 South, Range 41 East, said corner a 2-inch O.D. pipe with a State of Florida brass disk fastened to the top; thence North 89 degrees 47'06" East along the North line of Section 24, a distance of 5281.77 feet to the Northeast corner of Section 24 which has now been replaced by a Palm Beach County Survey brass disk; thence North 04 degrees 27'48" West, 367.70 feet to the Northwest corner of Section 19, Township 47 South, Range 42 East marked by a brass marker; thence South 85 degrees

47'35" West, 5267.31 feet to the said Northwest corner of Section 24 and the POINT OF BEGINNING, containing 22.231 acres more or less; and LESS the 75 foot right-of-way for State Road 7 as recorded in Road Book 1, Page 35; and LESS the rights-of-way as recorded in the FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 2, Sheet 2; and LESS that portion of the Palm Beach County road right-of-way as described in Deed Book 1054, Page 204, and is redescribed as follows: A 33 foot strip in Tracts 56 and 57, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, Sheet 2 as recorded in Plat Book 1, Page 102, lying North of and coincident with a line connecting the Northwest corner of Section 24, Township 47 South, Range 42 East to the Northwest corner of Section 19, Township 47 South, Range 41 East, bounded on the West by the West line of said Tract 57, and bounded on the East by the West line of the 75 foot right-of-way of State Road 7, and located on the west side of S.R. 7 (U.S. 441), approximately 1.3 miles south of Yamato Road Extension in a RTS-Residential Transitional Suburban District, was approved as advertised subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition No. 6 of Petition No. 84-95 which states:
 

"6. Based on traffic impacts and total traffic projected in the impact area, the project development shall be limited to the following phases:"

RESIDENTIAL

<u>Number of Months After the Approval Date by the Board County Commissioners:</u>	<u>Maximum No. of Building Permits:</u>	<u>Cumulative Total of Building Permits:</u>
0 - 12	0	0
12 - 24	250	250
24 - 36	350	600
36 - 48	300	900
48 - 60	300	1200
60 - 72	336	1536

OFFICE

<u>Number of Months After the Approval Date by the Board County Commissioners</u>	<u>Maximum Square Footage of Office (in 1000's)</u>	<u>Cumulative Total Office Square Footage (in 1000's)</u>
0 - 12	0	0
12 - 24	0	0
24 - 36	50	50
36 - 48	50	100
48 - 60	61	161

is hereby amended to state:

"6. Based on traffic impacts and total traffic projected in the impact area, the project development shall be limited to the following phases:

RESIDENTIAL

<u>Number of Months After the Resolution Date by the Board County Commissioners:</u>	<u>Maximum No. of Building Permits:</u>	<u>Cumulative Total of Building Permits</u>
0 - 12	0	0
12 - 24	250	250
24 - 36	350	600
36 - 48	300	900
48 - 60	300	1200
60 - 72	336	1536

OFFICE

<u>Number of Months After the Resolution Date by the Board County Commissioners</u>	<u>Maximum Trip Generation (per day) *</u>	<u>Cumulative Trip Generation (per day) *</u>
0 - 12	0	0
12 - 24	0	0
24 - 36	1000	1000
36 - 48	1000	2000
48 - 60	900	2900

\*NOTE: Traffic generation characteristics shall be determined by the standard methods used in Palm Beach County for buildings, or portions of buildings, certified for occupancy.

3. Condition No. 8 of Petition No. 84-95 which states:

"8. The petitioner shall provide the construction plans for Glades Road as a six-lane, median divided facility from Powerline/Jog Road to Boca Rio Road plus the appropriate tapers, including adjustments to the Florida Turnpike overpass structure, per the County Engineer's approval. These plans shall be completed within 18 months of the approval date by the Board of County Commissioners. The cost of these plans shall not exceed \$100,000.00."

is hereby amended to state:

"8. The petitioner shall provide the construction plans for Glades Road as a six-lane, median divided facility from Powerline/Jog Road to just East of the Florida Turnpike entrance, plus the appropriate tapers, per the County Engineer's

approval. These plans shall be completed within 18 months of the resolution date by the Board of County Commissioners. The cost of these plans shall not exceed \$100,000.00."

4. Condition No. 9 of Petition No. 84-95 which states:

"9. The developer shall acquire the additional right-of-way for S.R. 7, a total of 200 feet West of the West right-of-way line of Lake Worth Drainage District E-1 Canal, from Palmetto Park Road to the Hillsboro Canal with the appropriate tapers which will be required for the road construction for S.R. 7, as outlined in the previous condition. This right-of-way shall be acquired within twelve (12) months of the approval date by the Board of County Commissioners, or prior to the issuance of a Certificate of Occupancy, whichever shall first occur. Palm Beach County will acquire this right-of-way at the developer's expense."

is hereby amended to state:

"9. The additional right-of-way for S.R. 7, as determined by the Florida Department of Transportation, from Palmetto Park Road to the Hillsboro Canal with the appropriate tapers which will be required for the road construction for S.R. 7, shall be acquired by Palm Beach County at the developer's expense."

5. Condition No. 10 of Petition No. 84-95 which states:

"10. The developer shall construct S.R. 7 as a four-lane divided section from Palmetto Park Road South to the Hillsboro Canal, plus the appropriate tapers, per County Engineer's approval. The construction shall include an asphalt overlay of the two existing lanes on S.R. 7, if required by the County Engineer. This construction shall be completed and accepted by the Florida Department of Transportation prior to the issuance of 250 building permits or within two (2) years of the approval date by the Board of County Commissioners, whichever shall first occur."

is hereby amended to state:

"10. The developer shall construct S.R. 7 as a four-lane divided section from Palmetto Park Road South to the Hillsboro Canal, plus the appropriate tapers, per County Engineer's approval. The construction shall include an asphalt overlay of the existing lanes on S.R. 7, if required by the County Engineer. This construction shall be completed and accepted by the Florida Department of Transportation within nine (9) months of Palm

Beach County's acquisition of the right-of-way described in Condition No. 9."

6. Condition No. 12 of Petition No. 84-95 which states:

"12. The developer shall construct at the intersection of Glades Road and S.R. 7 concurrent with the construction of Glades Road:

- A. Right turn lane, South and West approach.
- B. Dual left turn lanes, all approaches.
- C. Right turn lanes, North approach.
- D. Right turn lanes, East approach."

is hereby amended to state:

"12. The developer shall construct at the intersection of Glades Road and S.R. 7 concurrent with the four-laning of S.R. 7 fronting this parcel:

- A. Right turn lane, South and West approach.
- B. Dual left turn lanes, all approaches.
- C. Right turn lanes, North approach.
- D. Right turn lanes, East approach."

7. Condition No. 16 of Petition No. 84-95 which states:

"16. The developer shall construct Glades Road as a six-lane median divided section from Powerline/Jog Road to Boca Rio Road plus the appropriate tapers, per the County Engineer's approval. This construction shall be completed and accepted by the Florida Department of Transportation prior to the issuance of the 600th building permit or within three (3) years of approval date by the Board of County Commissioners, whichever shall first occur."

is hereby amended to state:

"16. The developer shall construct Glades Road as a six-lane median divided section from Powerline/Jog Road to just East of the Florida Turnpike entrance in conjunction with the construction of the Florida Turnpike interchange. In addition, the developer shall provide a cash contribution to the Florida Department of Transportation for this construction of the Florida Turnpike overpass expansion. The total commitment by the Developer for plan preparation (as noted in Condition No. 8) construction, and Florida Department of Transportation contribution shall not exceed \$1,000,000.00."

8. Condition No. 21 of Petition No. 84-95 which states:

"21. If any of the improvements listed above are completed by other prior to the date required by

this petition, then the Developer will be relieved of all or part of the respective improvement project. Palm Beach County shall make available other existing Developer commitments which are earmarked for the construction of Glades Road from Jog/Powerline Road to Boca Rio Road prior to the same being constructed. In the event that another entity constructs S.R. 7 from the Hillsboro Canal to Palmetto Park Road (or) Glades Road from Jog/Powerline Road to Boca Rio Road, this Developer shall make a contribution in either cash or construction costs in a total amount not less than \$1,111,130.00. Note: It is the intent of the Office of the County Engineer that Palmetto Park Road will be constructed as a six-lane median divided section from West of the Florida Turnpike to I-95 at the time of for its presently budgeted 4-lane median divided section. This could be accomplished pending approval by the Board of County Commissioners, with the use of the Impact Fees Monies or other developer commitments which may be granted zoning approvals."

is hereby amended to state:

"21. If any of the improvements listed above are completed by other prior to the date required by this petition, then the Developer will be relieved of all or part of the respective improvement project. Palm Beach County shall make available other existing Developer commitments which are earmarked for the construction of Glades Road from Jog/Powerline Road to Boca Rio Road prior to the same being constructed. In the event that another entity constructs S.R. 7 from the Hillsboro Canal to Palmetto Park Road (or) Glades Road from Jog/Powerline Road to Boca Rio Road, this Developer shall make a contribution in either cash or construction costs in a total amount not less than \$1,111,130.00. Note: It is the intent of the Office of the County Engineer that Palmetto Park Road will be constructed as a six-lane median divided section from West of the Florida Turnpike to I-95 at the time of construction for its presently budgeted 4-lane median divided section. This could be accomplished provided that the Board of County Commissioners approves, with the use of the Impact Fees, monies or other developer commitments which may be granted zoning approvals."

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

Karen T. Marcus	-- Aye
Jerry L. Owens	-- Aye
Carol Roberts	-- Aye
Dorothy Wilken	-- Absent
Kenneth M. Adams	-- Aye

The foregoing resolution was declared duly passed and adopted this 17th day of May, 1988 confirming action of December 1, 1986.

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

