

RESOLUTION NO. R-88-678

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

RESOLUTION APPROVING ZONING PETITION 84-99(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. 84-99(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 1987, that: Petition No. 84-99(A), the petition of MISSION BAY PLAZA ASSOCIATES, By Alan J. Ciklin, Attorney, for a MODIFICATION OF COMMISSION REQUIREMENTS TO AMEND CERTAIN CONDITIONS PLACED ON ZONING PETITION NO. 84-99, APPROVED JULY 26, 1984 on Tracts 7, 8, 9, 49, 50, 51 and 52 of Florida Fruit Lands Company's Subdivision No. 2; as recorded in Plat Book 1, Page 102 and located in Section 13, Township 47 South, Range 41 East, being more particularly described as follows: Commencing at the Southeast corner of said Section 13; thence North 00 degrees 54'39" West, along the East line of said Section 13, a distance of 1644.81 feet; thence South 89 degrees 08'17" West, a distance of 86.69 feet to the existing West right-of-way line of State Road No. 7 and the Point of Beginning; thence continue South 89 degrees 08'17" West, a distance of 259.50 feet; thence North 00 degrees 51'43" West, a distance of 560.64 feet; thence South 89 degrees 08'17" West, a distance of 100.00 feet; thence South 37 degrees 08'17" West, a distance of 100.00 feet; thence South 00 degrees 51'43" East, a distance of 180.00 feet; thence South 89 degrees 08'17" West, a distance of 140.00 feet; thence South 37 degrees 08'17" West, a distance of 180.00 feet; thence South 89 degrees 08'17" West, a

distance of 375.00 feet; thence North 12 degrees 51'43" West, a distance of 1100.00 feet; thence North 39 degrees 14'42" East, a distance of 489.88 feet; thence North 89 degrees 08'17" East, a distance of 960.00 feet to the said right-of-way line of State Road No. 7; thence South 00 degrees 51'43" East, a long said right-of-way a distance of 1610.64 feet to the Point of Beginning, located on the west side of U.S. 441 (S.R. 7), approximately 1.3 miles south of Yamato Road Extension, in a CG-General Commercial District, was approved as advertised subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless modified herein.
2. Condition No. 7 of Petition No. 84-99 which states:

"7. 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 eighteen (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:

"7. 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 eighteen (18) months of the resolution date by the Board of County Commissioners. The cost of these plans shall not exceed \$100,000.00."

3. Condition No. 8 of Petition No. 84-99 which states;

"8. The Developer shall acquire the additional right-of-way to provide for a total of 200 feet of right-of-way for S.R. 7 West of the west right-of-way line of Lake Worth Drainage District E-1 Canal, from Palmetto Park Road to the Hillsboro Canal plus the appropriate tapers which will be required for the road construction for S.R. 7, as outlined in condition Number six (6), above. This right-of-way shall be acquired within twelve (12) months of the approval date by the Board of County Commissioners. Palm Beach County will acquire this right-of-way at the Developer's expense."

is hereby amended to state:

"8. 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 for the road construction for S.R. 7, shall be acquired by Palm Beach County at the Developer's expense."

4. Condition No. 9 of Petition No. 84-99 which states:

"9. 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 the County Engineer's approval. The construction shall include an asphalt overlay of the two (2) existing lanes on S.R. 7, if required by the County Engineer. This construction shall be completed and accepted by Florida Department of Transportation prior to the issuance of a Certificate of Occupancy or within two (2) years of the approval date by the Board of County Commissioners, whichever shall occur first."

is hereby amended to state:

"9. 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 the County Engineer's approval. The construction shall include an asphalt overlay of the two (2) existing lanes on S.R. 7, if required by the County Engineer. This construction shall be completed and accepted by Florida Department of Transportation within nine (9) months of Palm Beach County's acquisition of the right-of-way described in Condition No. 8."

5. Condition No. 10 of Petition No. 84-99 which states:

"10. The Developer shall construct Glades Road as a six-lane 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 Florida Department of Transportation prior to the issuance of a Certificate of Occupancy or within three (3) years of the approval date by the Board of County Commissioners, whichever shall occur first. This construction shall also include any adjustments to the Florida Turnpike, as outlined in Condition no. 7, above."

is hereby amended to state:

"10. The Developer shall construct Glades Road as a six-lane 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 their construction of the Florida Turnpike underpass expansion. The total commitment by the Developer for plan preparation (as noted in Condition No. 7) construction, and Florida Department of Transportation contribution shall not exceed \$1,000,000.00."

6. Condition No. 11 of Petition No. 84-99 which states:

"11. The Developer shall construct concurrent with paving and drainage improvements pursuant to a Paving and Drainage Permit issued from the Office of the County Engineer:

- A. Glades Road from S.R. 7 west to the project's west property line as a four-lane median divided section.
- B. At the intersection of Glades Road and S.R. 7:
  - (1) Right turn lane on the South approach,
  - (2) Dual left turn lanes, all approaches.
- C. At the project's North and South entrance road onto S.R. 7:
  - (1) Left turn lane, South approach,
  - (2) Right turn lane, North approach.
- D. At the project's West entrance road and Glades Road a left turn lane, West approach."

is hereby amended to state:

"11. The Developer shall construct concurrent with paving and drainage improvements pursuant to a Paving and Drainage Permit issued from the Office of the County Engineer:

- A. Glades Road S.R. 7 West to the project's West property line as a four-lane median divided section.
- B. At the project's North and South entrance road onto S.R. 7:
  - (1) Left turn lane, South approach,
  - (2) Right turn lane, North approach.
- C. At the project's West entrance road and Glades Road a left turn lane, West approach and a right turn lane, west approach.

The Developer shall also 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 approach,
- B. Dual turn lanes all approaches."

7. Condition No. 13 of Petition No. 84-99 which states:

"13. If any of the improvements listed above are completed by others 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 constructions 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 \$888,870.00. 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 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:

"13. If any of the improvements listed above are completed by others 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 just east of the Florida Turnpike entrance prior to the same being constructed. In the event that another entity other than the property owner of Petition No. 84-95 or Petition No. 84-99 constructs S.R. 7 from the Hillsboro Canal to Palmetto Park Road (or) Glades Road from Jog/Powerline Road to just east of the Florida Turnpike entrance, this Developer shall make a contribution in either cash or construction costs in a total amount not less than \$888,870.00. 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 four-lane divided section. This would be accomplished, provided that the Board of County Commissioners approve, with the use of impact fee money or other developer commitment 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

BY: \_\_\_\_\_

COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: \_\_\_\_\_

DEPUTY CLERK

