

RESOLUTION ~~110~~ R-85-1221

RESOLUTION APPROVING ZONING PETITION 84-8(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. 84-8(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th June 1985; 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 June 1985, that Petition No. 84-8(A) the petition of BOARD OF COUNTY COMMISSIONERS By Ken Adams, Chairman, *to* MODIFY AND DELETE SPECIAL CONDITIONS PLACED ON ZONING PETITION NO. 84-8, PREVIOUSLY APPROVED FEBRUARY 23, 1984:

CONDITION NO. 1. **b.** STATES:

1. **b.** Construct Military Trail as a 4-lane median divided section from a point 200 feet north of the project's entrance road south to a point 200 feet north of Blue Heron Boulevard as outlined in Condition #1 above. This construction shall be completed and accepted by Palm Beach County within 2 years of Special Exception approval or prior to the issuance of 175 Building Permits, whichever shall first occur.

REQUEST: MODIFY CONDITION NO. 1. **b.** to READ:

1. **b.** Construct Military Trail as a four-lane median divided section

from a point 200 feet north of the project entrance road south to a point 200 feet north of Blue Heron Boulevard as outlined in Condition No. 1 above. This construction shall be completed and accepted by Palm Beach County within 30 months of Special Exception approval.

CONDITION NO. 13 STATES:

This development shall further be limited to 175 building permits until Military Trail is 4-laned from the present 4-lane terminus north of Beeline Highway north to a point 200 feet north of this project's entrance.

REQUEST: DELETE CONDITION NO. 13

Said property located on the east side of Military Trail (S.R. 809), approximately .1 mile north of Blue Heron Boulevard, being bounded on the east by 1-95 (S.R. 9) in an RS-Residential Single Family District was approved as advertised subject to the following conditions:

1. All conditions previously approved under Petition No. 84-8, Resolution Number 84-821, shall still be in effect unless otherwise modified herein.

2. CONDITION #1 WHICH STATES:

"1. The Developer shall:

a) Provide the construction plans for Military Trail as a 4 lane median divided section (expandable to 6 lanes) from a point 200 feet north of Blue Heron Boulevard including the appropriate tapers per the County Engineers approval. These plans shall be complete within 6 months of Special Exception approval or prior to the issuance of a Building Permit, whichever shall first occur. These plans shall contain, but not be limited to sidewalks, curb and gutter and drainage.

b) Construct Military Trail as a 4 lane median divided section from a point 200 feet north of the project's entrance road south to a point 200 feet north of Blue Heron Boulevard as outlined in Condition #1 above. This construction shall be completed and accepted by Palm Beach County within 2 years of Special Exception approval or prior to the issuance of 175 Building Permits, whichever shall first occur."

is hereby amended to state:

"1. The Developer shall:

a) Provide the construction plans for Military Trail as a 4 lane median divided section (expandable to 6 lanes) from a point 200 feet north of Blue Heron Boulevard including the appropriate tapers per the County Engineers approval. These plans shall be complete within 6 months of Special Exception approval or prior to the issuance of a Building Permit, whichever shall first occur. These plans shall contain, but not be limited to, sidewalks, curb and gutter and drainage.

b) The Developer shall construct Military Trail as a four lane median divided section from the existing four lane terminus north of Beeline Highway to a point 200 feet north of this project's entrance road onto Blue Heron Boulevard plus the appropriate tapers per the County

Engineer's approval. The contract shall be let prior to the issuance of the 176th Building Permit, but in no event later than November 1, 1985, and shall be substantially completed (open to traffic) prior to July 1, 1986.

Palm Beach County shall participate in the construction of Military Trail as a 4 lane median divided section from a point 200 feet north of this project entrance (Petition #84-8) south to the existing 4 lane terminus north of Beeline Highway by funding the cost of 4 laning Military Trail as a 4 lane median divided section from the present four lane terminus north of Beeline Highway north to a point 200 feet north of Blue Heron Boulevard. These funds will be made available to the developer from Palm Beach County anytime after November 1, 1985 or upon the letting of the contract for this section of Military Trail whichever shall occur last. The amount of these funds shall be based upon the unit costs of the actual contract subject to review by the County Engineer. This Developer shall enter into a formal Developers Agreement prior to July 1, 1985 subject to review of the County Attorney and County Engineer. It is the intent that these funds shall be derived from, first-other projects which impact this section of Military Trail, second-impact fee monies, third-general revenue funds to be budgeted during the fiscal year 1985-1986."

3. Condition No. 13 which states:

"13. This development shall further be limited to 175 building permits until Military Trail is 4-laned from the present 4-lane terminus north of Beeline Highway north to a point 200 feet north of this project's entrance."

is hereby deleted.

4. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

5. The Satter Company shall assign its legal rights under its private agreement for road improvements with Robert Needle to Palm Beach County.

Commissioner Spillias, 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:

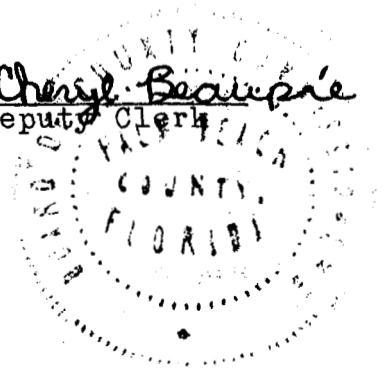
Ken Adams, Chairman	-- Absent
Karen T. Marcus, Vice Chairman	-- Aye
Kenneth Spillias, Member	-- Aye
Jerry L. Owens, Member	-- Aye
Dorothy Wilken, Member	-- Aye

The foregoing resolution was declared duly passed and adopted this 13th day of August confirming action of the 27th June 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaudrye
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney