

RESOLUTION NO. R- 85-1432

RESOLUTION APPROVING ZONING PETITION 80-41(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. 80-41(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th July 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 25th of July 1985, that Petition No. 80-41(A) the petition of KENRIK DEVELOPMENT, INC., By F. Martin Perry, Attorney to DELETE THE FOLLOWING SPECIAL CONDITION PLACED ON ZONING PETITION NO. 80-41, APPROVED NOVEMBER 20, 1980:

CONDITION NO. 9 STATES:

The shopping center shall be developed by the accepted plan only. No changes shall be made in the location of the stores and other businesses. Only the types of stores and businesses shown on the plan should be allowed occupancy. No increase in total square footage. Standard modifications as allowed by the Site Plan Review Committee procedure will be permitted.

REQUEST: DELETE CONDITION NO. 9.

Said property located on the northwest corner of Military Trail (S.R.

809) and Cresthaven Boulevard in a CG-General Commercial District was approved as advertised subject to the following conditions:

1) Condition No. 9 which states:

"9. The shopping center shall be developed by the accepted plan only. No changes shall be made in the location of the stores and other businesses. Only the types of stores and businesses shown on the plan should be allowed occupancy. No increase in total square footage. Standard modifications as allowed by the Site Plan Review Committee procedure will be permitted."

is hereby deleted.

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

Commissioner ~~Wilken~~ , 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 17 day of September confirming action of the 25th July 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jean Gray Ellington  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Jean Gray Ellington  
County Attorney

properly handled and disposed of in accordance with Chapter 17-30, F.A.C.

14) The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

15) The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.

16) The property owner shall convey for the ultimate right-of-way of Dwight Road, 30 feet from centerline (approximately an additional 17 feet) within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

17) The property owner shall construct concurrent with the construction of Okeechobee Boulevard by Gould Industrial Complex, a Left Turn Lane East Approach. This Developer shall be fiscally responsible for any change order associated with this change order. As an alternate, should this construction not be feasible per the County Engineer's approval, this property owner may substitute a cash payment for the cost of this turn lane based upon a Certified Cost Estimate per the County Engineer's approval.

18) The Property Owner shall not be issued a Building Permit for the office-warehouse portion until Okeechobee Boulevard has been constructed as a four (4) lane, median divided section from Golden Lakes Boulevard to the Florida Turnpike.

19) The Developer 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. The Fair Share Fee for this project presently is \$75,950.

20) Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$37,975 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$113,925) to be paid prior to December 31, 1985.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$37,975 shall be credited toward the increased Fair Share Fee.

21) The petitioner shall convey to the Lake Worth Drainage District the North 70.00 feet of Lot 24, less the West Half thereof, Block 1, Palm Beach Farms Company Plat No. 9, for the required right-of-way for Lateral Canal No. 1, by quit claim deed or an easement deed in the form provided by said district, within ninety (90) days of adoption of the resolution by the Board of County Commissioners, or the developer shall enter into an agreement with the Lake Worth Drainage District to provide for culverting the canal.

22) The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.

23) The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Okeechobee Boulevard.

24) The property owner shall construct Dwight Road from the existing terminus, east of Skees Road, east to the project's east property line, concurrent with a paving and drainage permit issued from the Office of the County Engineer.

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

Commissioner \_\_\_\_\_, moved for approval of the

petition. The motion was seconded by Commissioner [redacted], and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 17 day of September confirming action of the 25th July 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

*Juan Dean Ellington*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Juan Douglas*  
County Attorney