

ORIGINAL

RESOLUTION NO. R- 87-18

RESOLUTION APPROVING ZONING PETITION 85-71(B)
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. 85-71(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 27, 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 13th day of January, 1987, that: Petition No. 85-71(B), the petition of WOODS WALK ASSOCIATES, INC., By Joel Wantman, Agent, for a MOOIFICATION OF COMMISSION REQUIREMENTS TO AMEND THE FOLLOWING CONDITION PLACED ON ZONING PETITION NO. 85-71, APPROVED SEPTEMBER 30, 1985:

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

AND A MODIFICATION OF COMMISSION REQUIREMENTS TO DELETE THE FOLLOWING CONDITION PLACED ON ZONING PETITION NO. 85-71, APPROVED SEPTEMBER 30, 1985:

CONDITION NO. 13 STATES:

In order to comply with the Mandatory Traffic Performance Standards the property owner shall be limited to 130 building permits until Lake Worth Road has been widened to a 4-lane median divided section under the Florida Turnpike.

REQUEST: TO DELETE CONOITION NO. 13.

Said property located on the north side of Lake Worth Road, approximately .2 mile east of S.R. 7 (U.S. Highway 441) and being bounded on the north by the Lake Worth Drainage District Canal L-11 in an RTS-Residential Transitional Suburban District was approved as advertised subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless modified herein.
2. Condition No. 8 of Petition No. 85-71(A) which presently states:

"8. 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 \$196,336.00."

is hereby amended to state:

"8. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Xmprovements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$180,900.00."

3. Condition No. 9 of Petition 85-71(A) which presently states:

"9. Impact Fee and additional funding for this proposed project shall be based upon the Master Plan submitted for certification.

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

is hereby amended to state:

"9. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$90,450.00 toward Palm Beach County's existing Roadway Improvement Program, any remaining funds after receiving credit for construction plans as outlined in Condition No. 5 below be paid within 15 months of adoption of the Resolution by the Board of County Commissioners. (Total \$271,350.00)

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$90,450.00 shall be credited toward the increased Fair Share Fee."

4. Condition No. 13 of Petition No. 85-71 which presently states:

"13. In order to comply with the Mandatory Traffic Performance Standards the property owner shall be limited to 130 building permits until Lake Worth Road has been widened to a four lane median divided section under the Florida Turnpike."

Is hereby amended to state:

"13. In order to comply with the Mandatory Traffic Performance Standards the property owner shall be limited to 165 building permits until the contract for Intersection Improvements at the intersection of Forest Hill Boulevard and SR 7 has been let."

5. The property owner shall update Palm Beach County's existing construction plans for the expanded intersection of Forest Hill Boulevard and SR 7 as identified by the Thoroughfare Right of Way Protection Map plus the appropriate tapers. These construction plans shall be per the County Engineer's approval based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed within six (6) months of Special Exception Approval and shall include the bridge crossing over the E-1 Canal. All Plan costs shall be approved by the County Engineer.

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:

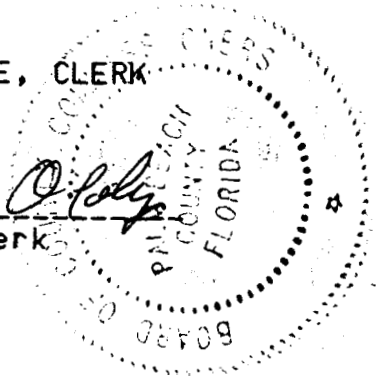
Karen T. Marcus -- AYE
Jerry L. Owens -- AYE
Ken Spillias -- ABSENT
Dorothy Wilken -- NAY
Kenneth M. Adams -- AYE

The foregoing resolution was declared duly passed and adopted this 13th day of January, 1987 confirming action of June 27, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Kelly
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney

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CONDITION NO. 8 STATES:

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. Presently, the Fair Share Fee for this project is **\$196,336.00.**

REQUEST: TO AMEND CONDITION NO. 8 TO READ:

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 shall be based on **225** residential units, which will reduce the \$196,336.00 amount based on 268 units.

AND A MODIFICATION OF COMMISSION REQUIREMENTS TO AMEND THE FOLLOWING CONDITION PLACED ON ZONING PETITION NO. 85-71(A), APPROVED JANUARY 30, 1986:

CONDITION NO. 9 STATES:

Impact fee and additional funding for this proposed project shall be based upon the Master Plan submitted for certification. If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount shall be credited toward the increased Fair Share Fee.

REQUEST: TO AMEND CONDITION NO. 9 TO READ:

Based on the amount of traffic generated by this development, the Developer agrees to contribute an additional amount, based on 25% of the new amount to be calculated for Condition 8, toward Palm Beach County's existing Roadway Improvement Program, these total funds are to be paid prior to the issuance of a Building Permit.