

RESOLUTION NO. R- 87-229

RESOLUTION RPPROVING ZONING PETITION 81-215(D):
Modification of Commission Requirements

WHEREFIS, 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

WHEREFIS, 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

WHEREFIS, Petition No. 81-215(D) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 25, 1986 and

WHEREFIS, 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

WHEREFIS, 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 10th day of February, 1987, that: Petition No. 81-215(D), the petition of HIDDEN LIKES OF DELFTY, INC., By John Gianna, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS TO AMEND THE FOLLOWING CONDITIONS PLACED ON ZONING PETITION NO. 81-215(A) APPROVED JULY 30, 1984: CONDITION NO. 3 STATES:

3. The developer shall construct signalization as determined by the County Engineer at the intersection of Hagen Ranch Road

(b) In addition, based on the amount of traffic generated by this development, the developer has agreed to contribute an additional 8500.00 per approved multi-family unit and \$400.00 per approved single-family unit constructed toward Palm Beach County's existing roadway improvement program, to be paid within twelve (12) months of the adoption of the resolution by the Board of County Commissioners,

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: CONDITION NO. 2 TO READ:

8.(a) The developer shall pay a fair share in the amount and manner required by the Fair Share Contribution for Road improvements Ordinance as it presently exists or may from time to time be amended. Presently the Fair Share Fee for this project is \$200.00 per approved multi-family and \$300.00 per approved single-family unit constructed.

(b) In addition, based on the amount of traffic generated by this development, the developer has agreed to contribute an additional 6500.00 per approved multi-family unit and 6400.00 per approved single-family unit constructed toward Palm Beach County's existing roadway improvement program, to be paid on or before October 31, 1986.

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 west approaches of the intersection of Delray West and Military Trail. This Letter of Credit may be called at such time as Palm Beach County is ready to bid the intersection improvement work at Delray West Road and Military Trail and will be accepted in lieu of the Fair Share Impact Fee."

is hereby deleted.

3. Condition No. 4 of Petition No. 81-215(c) which presently states:

"4. This project shall provide access easements into this project's water management system to accommodate drainage from Hagen Ranch Road as required by the County Engineer. The water management system shall be designed with sufficient capacities to accept this drainage from Hagen Ranch Road adjacent to the project."

is hereby amended to state:

"4. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system to accommodate the runoff of Hagen Ranch Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Hagen Ranch Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District to accommodate the ultimate Thoroughfare Plan Section road drainage runoff."

4. Condition No. 8.(a) of Petition No. 81-215(c) which presently states:

"8.(a) The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvement Ordinance" as it presently exists or as it may from time to time be amended. Presently the Fair Share Fee for this project is \$200.00 per approved multi-family and \$300.00 per approved single family unit constructed."

is hereby amended to state:

"8.(a) 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 \$192,638.00 (2,396 trips X \$80.40 per trip)."

5. Condition No. 8.(b) of Petition No. 81-215(c) which presently states:

"8.(b) In addition, based on the amount of traffic generated by this development, the developer has agreed to contribute an additional \$500.00 per approved multi-family unit and \$400.00 per

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

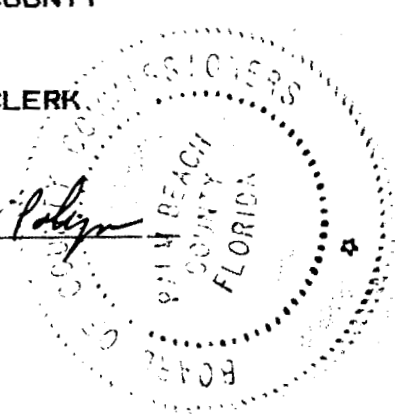
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|------------------|----|--------|
| Karen T. Marcus | -- | AYE |
| Jerry L. Owens | -- | ABSENT |
| Ken Spillias | -- | AYE |
| Dorothy Milken | -- | AYE |
| Kenneth M. Adams | -- | AYE |

The foregoing resolution was declared duly passed and adopted this 10th day of February,--, 1987 confirming action of September 25, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Polign
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney