

RESOLUTION NO. R-87-501

RESOLUTION APPROVING ZONING PETITION 84-68(B):
Modification of Commission Requirement 6

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statute, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.S of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 84-68(B) 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 31ST day of March, 1987, that: Petition No. 84-68(B), the petition of DIVERSIFIED CENTERS, INC., By Kieran Kilday, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS TO AMEND AND/OR DELETE THE FOLLOWING CONDITIONS PLACED ON ZONING PETITION NO. 84-68, APPROVED NOVEMBER 1, 1984:

CONDITION NO. 3 STATES:

"3. The property owner shall dedicate the ultimate right-of-way as shown on the "Special Intersections" per Palm Beach County's Thoroughfare Right of Way Protection Map within 90 days of the adoption of the Resolution by the Board of County Commissioners. An additional 130 feet (350 feet ultimate right-of-way) for Southern Boulevard.

Conveyance must be accepted by Palm Beach County prior to issuance of the first building permit. "

REQUEST: AMEND CONDITION NO. 3 TO READ:

"3. The property owner shall reserve the ultimate right-of-ways shown on the "Special Intersections" per Palm Beach County's Thoroughfare Right of way Protection Map with 90 days of the adoption of the Resolution by the Board of County Commissioners, for Southern Boulevard."

CONDITION NO. 4 STATES:

"4. This development shall be permitted only one median opening onto S.R. 7, at the project's middle entrance onto S.R. 7."

REQUEST: AMEND CONDITION NO. 4 TO READ:

"4. This development shall be permitted only one median opening onto S.R. 7."

CONDITION NO. 8 STATES:

"8. The Petitioner shall provide Palm Beach County with a road drainage easement through this project's internal lake system to legal positive outfall for the road drainage of

S.R. 7 and Southern Boulevard. This drainage easement shall be subject to all governmental agency requirements."

REQUEST: TO DELETE CONDITION NO. 8

CONDITION NO. 9 STATES:

"9. The developer shall construct concurrent with the 4-laning of S.R. 7 and Southern Boulevard and the project's middle entrance, separate left and right turn lanes."

REQUEST: AMEND CONDITION NO. 9 TO READ:

"9. The developer shall construct concurrent with the 4-laning of S.R. 7, or concurrent with onsite paving (whichever shall occur first) separate left and right turn lanes at the project's major entrance."

CONDITION NO. 10 STATES:

"10. The developer shall provide a clean irrevocable letter of credit for 5500,000 which shall be drawn upon by Palm Beach County for purposes of acquiring right-of-way for the intersection improvements of SR 70 and SR 80 (FDOT Project No. 93120-2523), said letter of credit to be payable upon the letting of the construction contract for said intersection improvements, which date is estimated to be on or before January 1, 1987."

REQUEST: TO DELETE CONDITION NO. 10

CONDITION NO. 11 STATES:

"11. The developer and Palm Beach County agree to mutually approach the Florida Department of Transportation to expedite said Intersection improvements which are currently scheduled for letting in July of 1988 so that the intersection improvements would be done concurrently with the main line construction of SR 80 (FDOT Project No. 93120-1507) currently scheduled for letting in January of 1987."

REQUEST: TO DELETE CONDITION NO. 11

CONDITION NO. 12 STATES:

"12. Palm Beach County will make available the sum of 91500,000 from impact fee funds, said funds to be used for the acquisition of the necessary right-of-way for the above described intersection improvements of SR 7 and SR 80."

REQUEST: TO DELETE CONDITION NO. 12

CONDITION NO. 13 STATES:

"13. Based on joint communications with the Florida Department of Transportation by the developer and Palm Beach County, said communications being concurrent with the approval of this project, it is the understanding of developer and Palm Beach County that a three way agreement will be reached or entered into between the developer, Palm Beach County and the Florida Department of Transportation which would result in the acquisition of the necessary right-of-way for the above described intersection improvements by utilization of the monies described in paragraph 10 and 12 above and any balance remaining due for said acquisition shall be made

available by the Florida Department of Transportation. Based on the communications with the Florida Department of Transportation, the acquisition of said right-of-way will allow and result in the acceleration of the construction of the above described intersection improvements."

REQUEST: TO DELETE CONDITION NO. 13

CONDITION NO. 14 STATES:

"14. It is understood and agreed that the building permit for this project shall be issued at such time as the contracts for the above described intersection improvements are let."

REQUEST: TO DELETE CONDITION NO. 14

PETITIONER REQUESTS THE ADDITION OF THE FOLLOWING CONDITIONS:

"28. 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 \$328,124.00 (12,248 trips x \$26.79 per trip)."

"29. Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional 5171,876 toward these total bonds of 5500,000 to be paid prior to the issuance of a building permit.

If the "Fair Share Contribution for Road Improvement Ordinance is amended to increase the Fair Share Fee,, this

additional amount of 5171,876 shall be credited toward the increased Fair Share Fee."

"30. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phaeing schedule:

No building permits shall be issued until contracts for the construction of the intersection improvements of S.R. 7 and S.R. 80 (FDOT Project #93120-2523) and for the widening of S.R. 80 east of S.R. 7 to Jog Road (FDOT Project #93120-1507) and FDOT Project #93120-3521 for the widening, if S.R. 80 from Forest Hill Boulevard to S.R. 7 have been let. "

Said property located on the west side of U.S. 441 (S.R. 7), approximately 150 feet north of S.R. 80 in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. All conditions of the previous approval shall be complied with unless deleted or expressly modified herein.
2. Condition No. 3 of Petition No. 84-68 (Resolution R-85-285) which states:

"3. The property owner shall dedicate the ultimate right-of-way as shown on the "special intersections" per Palm Beach County's Thoroughfare Right of Way Protection Map within 90 days of adoption of the Resolution by the Board of County Commissioners. An additional 130 feet (350 feet ultimate right of way) for Southern Boulevard. Conveyance must be accepted by Palm Beach County prior to issuance of the first building permit."

is hereby amended to state:

"3. The property owner shall dedicate the ultimate right-of-way as shown on the "special intersections" in accordance with Palm Beach County's Thoroughfare Right of Way Protection Map within 30 day6 of adoption of the Resolution by the Board of County Commissioners or prior to certification of the Master Plan whichever shall first occur. This is an additional 130 feet (350 feet ultimate right of way) for Southern Boulevard."

3. Condition No. 4 of Petition No. 84-68 (Resolution No R-85-285) which states:

"4. This development shall be permitted only one median opening onto S.R. 7, at the project's middle entrance onto S.R. 7."

is hereby amended to state:

"4. This development shall be permitted only one median opening onto S.R. 7 in accordance with Palm Beach County Engineering Department and Florida Department of Transportation approval."

4. Condition No. 8 of Petition No. 84-68 (Resolution No, R-85-285) which states:

"8. The petitioner shall provide Palm Beach County with a road drainage easement through this project's internal lake system to legal positive outfall for the road drainage of S.R. 7 and Southern Boulevard. This road drainage easement shall be subject to all governmental agencies requirements."

is hereby deleted.

5. Condition No. 9 of Petition No. 84-68 (Resolution No, R-85-285) which states:

"9. The developer shall construct concurrent with the 4 laning of S.R. 7 and Southern Boulevard and the project's middle entrance, separate left and right turn lanes."

is hereby amended to state:

"9. The developer shall construct concurrent with the 4 laning of S.R. 7 and Southern Boulevard a separate right turn lane on S.R. 7 and Southern Boulevard at each entrance, and a separate left turn lane where permitted under Condition No. 4 concurrent with onsite paving and drainage improvements or concurrent with the 4 laning of S.R. 7 or S.R. 80 whichever shall first occur."

6. Condition No. 10 of Petition No. 84-68 (Resolution No R-85-285) which states:

"10. The developer shall provide a clean irrevocable letter of credit for \$500,000.00 which shall be drawn upon by Palm Beach County for purposes of acquiring right of way for the intersection improvements of S.R 7 and S.R. 80 (Florida DOT project No. 93120-2523), said Letter of Credit to be payable upon the letting of the construction contract for said intersection improvements, which date is estimated to be on or before January 1, 1987."

is hereby deleted.

7. Condition No. 11 of Petition No. 84-68 (Resolution No. R-85-285 which states:

"11. The developer and Palm Beach County agree to mutually approach the Florida Department of Transportation to expedite said construction improvements which are currently scheduled for letting in July, 1988 so that the intersection improvements would be done concurrently with the mainline construction of S.R. 80 (FDOT Project No. 93120-1507) currently scheduled for letting in January, 1987."

is hereby deleted.

8. Condition No. 12 of Petition No. 84-68 (Resolution No. R-85-285) which states:

"12. Palm Beach County will make available the sum of 5500,000.00 from Impact Fee Funds, said funds to be used for the acquisition of the necessary right of way for the above described intersection improvements of S.R. 7 and S.R. 80."

is hereby deleted.

9. Condition No. 13 of Petition No. 84-68 (Resolution No. R-85-285) which states:

"13. Based on joint communication with the Florida Department of Transportation by the developer and Palm Beach County said communication being concurrent with the approval of this project, it is the understanding of developer and Palm Beach County that a three way agreement will be reached or entered into between the developer, Palm Beach County and the Florida Department of Transportation which will result in the acquisition of the necessary right of way for the above described intersection improvements by utilization of the monies described in paragraph 10 and 12 above and any balance remaining due for said acquisition shall be made available by the Florida Department of Transportation, the acceleration of the construction of the above described intersection improvement."

is hereby deleted.

10. Condition No. 14 of Petition No. 84-68 (Resolution No. E'-85-285) which states:

"14. It is understood and agreed that the building permit for this project shall not be issued until such time as a contract for the above described intersection improvements are let."

is hereby deleted.

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

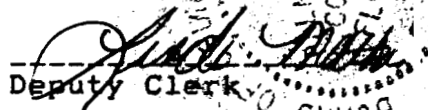
Karen T. Marcus	--	AYE
Jerry L. Owens	--	AYE
Carol Roberts	--	AYE
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	AYE

The foregoing resolution was declared duly passed and adopted this 31ST day of March , 1987 confirming action of December 1, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney