

RESOLUTION NO. R- 85-563

RESOLUTION APPROVING ZONING PETITION 83-175(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. 83-175(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th January 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. The 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 4th of January 1985, that Petition No. 83-175(A) the petition of BOARD OF COUNTY COMMISSIONERS By Ken Spillias, Chairman, to MODIFY THE FOLLOWING SPECIAL CONDITIONS PLACED ON PETITION NO. 83-175 APPROVED ON JANUARY 26, 1984:

CONDITION NO. 3 STATES:

3. The developer shall provide the construction plans for Forest Hill Boulevard as a 4-lane median-divided section (expandable to a 6-lane section) from the present 4-lane terminus of Forest Hill Boulevard (200 feet West of the entrance of Palm Hill Villas) West to a point 300 feet West of Haverhill Road including drainage and appropriate tapers per the County Engineer's approval. These construction plans shall be completed and approved prior to the issuance of a Building

Permit, or within 6 months of Special Exception approval, whichever shall occur first.

REQUEST MODIFY CONDITION NO. 3 TO READ:

3. The developer shall contribute funds to the county for construction plans of Forest Hill Boulevard as a 4-lane median-divided section (expandable to a 6-lane section from the present 4-lane terminus of Forest Hill Boulevard (200 feet West of the entrance of Palm Hill Villas) West to a point 300 feet West of Haverhill Road including drainage and appropriate tapers per the County Engineers approval. The funds for the these construction plans shall be contributed to and accepted by the County prior to the issuance of a Building Permit, or within 6 months of the Special Exception approval, whichever shall occur first.

CONDITION NO. 4 STATES:

4. Construct Forest Hill Boulevard as a 4-lane median divided section from the present 4-lane terminus of Forest Hill Boulevard West of Military Trail West to a point 300 feet West of Haverhill Road as outlined in Condition No. 3 above. This construction shall be completed and accepted within 12 months of Special Exception approval or prior to the issuance of a Building Permit for construction beyond 50,000 square feet of floor area whichever shall first occur. Should the developer seek to obtain building permits prior to the letting of a contract for the Forest Hill Boulevard road construction, the developer shall post Surety in the amount of \$1.25 per square foot of floor area. These monies shall then be refunded to the developer after completion of this road construction.

REQUEST MODIFY CONDITION NO. 4 TO READ:

4. The developer shall contribute funds for the construction of Forest Hill Boulevard as a 4-lane median divided section from the present 4-lane terminus of Forest Hill Boulevard West of Military Trail West to a point 300 feet west of Haverhill Road as outlined in Condition No. 3 above. These funds in lieu of the required construction shall be based upon the developers' engineers' certified cost estimate. Should the developer seek to obtain building permits prior to the letting of a contract for the Forest Hill Boulevard road

construction, the developer shall post Surety in the amount of \$1.25 per square foot of floor area. These monies shall then be refunded to the developer after completion of this road construction.

Said property located on the east side of Military Trail (S.R. 809) and on the south side of Forest Hill Boulevard in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. Condition No. 3 which states:

"3. The developer shall provide the construction plans for Forest Hill Boulevard as a 4-lane median-divided section (expandable to a 6-lane section) from the present 4-lane terminus of Forest Hill Boulevard (200 feet West of the entrance of Palm Hill Villas) West to a point 300 feet West of Haverhill Road including drainage and appropriate tapers per the County Engineer's approval. These construction plans shall be completed and approved prior to the issuance of a Building Permit, or within 6 months of Special Exception approval, whichever shall occur first."

shall be reworded as follows:

"3. The developer shall provide the construction plans for Forest Hill Boulevard as a 4-lane median-divided section (expandable to a 6-lane section) from the present 4-lane terminus of Forest Hill Boulevard), 200 feet West of the entrance of Palm Hill Villas West to a point 300 feet West of Haverhill Road plus drainage and appropriate tapers per the County Engineer's approval."

2. Condition No. 4 which states:

"4. Construct Forest Hill Boulevard as a 4-lane median divided section from the present 4-lane terminus of Forest Hill Boulevard West of Military Trail West to a point 300 feet West of Haverhill Road as outlined in condition No. 3 above. this construction shall be completed and accepted within 12 months of Special Exception approval or prior to the issuance of a Building Permit for construction beyond 50,000 square feet of floor area whichever shall first occur. Should the developer seek to obtain building permits prior to the letting of a contract for the Forest Hill Boulevard road construction, the developer shall post Surety in the amount of \$1.25 per square foot of floor area. These monies shall then be refunded to the developer after completion of this road construction."

shall be reworded as follows:

"4. The Developer shall contribute \$180,021 .00 based upon his engineer's certified cost estimate toward the construction of Forest Hill Boulevard as a 4-lane median divided section from the present 4-lane terminus of Forest Hill Boulevard West of Military Trail, West to a point 300 feet West of Haverhill Road as outlined in Condition No. 3, above."

Commissioner WILKENS , 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:

Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Kenneth M. Adams, Member	--	AYE
Karen T. Marcus, Member	--	AYE
Jerry L. Owens, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 9th day of April confirming action of the 4th January 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara Q. Polyn
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Judy Amador
County Attorney