

RESOLUTION NO. R-85-651

RESOLUTION APPROVING ZONING PETITION 84-128(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. 84-128(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 24th 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. 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 24th of January 1985, that Petition No. 84-128(A) the petition of THE BOARD OF COUNTY COMMISSIONERS, By Ken Spilliaa, Chairman, to MODIFY THE SPECIAL CONDITION PLACED ON ZONING PETITION NO. 84-128 APPROVED OCTOBER 1, 1984:

CONDITION NO. 6 STATES:

6. 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 \$4,688.00.

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.

Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$4,688.00 toward Palm Beach County's existing Roadway Improvement Program, to be paid within four months of approval date by the Board of County Commissioners or prior to the issuance of a Building Permit, whichever shall first occur.

REQUEST: TO AMEND CONDITION NO. 6 TO STATES:

6. 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 \$3,075.00.

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.

Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$3,075.00 toward Palm Beach County's existing Roadway Improvement Program, to be paid within four months of approval date by the Board of County Commissioners or prior to the issuance of a Building Permit, whichever shall first occur.

Said property located on the northwest corner of Military Trail (S.R. 809) and Conklin Drive in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. Condition No. 6 which states:

"6. 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 \$4,688.00."

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.

Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$4,688.00 toward Palm Beach County's existing Roadway Improvement Program, to be paid within four months of approval date by the Board of County Commissioners or prior to the issuance of a Building Permit, whichever shall first occur."

is hereby reworded to state:

"6. 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 time be amended. Presently, the Fair Share Fee for this project is \$3,075.00.

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.

Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$3075.00 toward Palm Beach County's existing Roadway Improvement Program, to be paid within four months of approval date by the Board of County Commissioners or prior to the issuance of a Building Permit, whichever shall first occur."

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

Ken Spillias, Chairman	--	AYE
Dorothy Wilken, Vice Chairman	--	ABSENT
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 23rd day of April, 1985, confirming action of the 24th January 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Donna McWilliams
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney