

RESOLUTION NO. R- 85-807

RESOLUTION APPROVING ZONING PETITION 84-16(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. 84-16(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th March 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 28th of March 1985, that Petition No. 84-16(A) the petition of C. STANLEY WEAVER, By Lee Starkey, Agent, to MODIFY THE FOLLOWING SPECIAL CONDITION PLACED ON ZONING PETITION NO. 84-16 APPROVED MAY 24, 1984:

CONDITION NO. 5 STATES:

5. The developer shall contribute Seven Hundred Dollars (\$700.00) per approved dwelling unit in the form of a clean irrevocable Letter of Credit toward the cost of meeting this project's direct and identifiable impact. This Letter of Credit shall be posted within six (6) months of Special Exception approval and may be called upon 12 months after Special Exception approval. These monies will be used for the project of 4-laning Boynton Beach Boulevard. This contribution shall be accepted in lieu of the "Fair Share" impact

fee.

REQUEST TO MODIFY CONDITION NO. 5 TO READ:

5. The developer shall contribute Seven Hundred Dollars (\$700.00) per approved dwelling unit in the form of a clean irrevocable Letter of Credit toward the cost of meeting this project's direct and identifiable impact. This Letter of Credit shall be posted 12 months after Special Exception approval which may be called when required for the construction of road improvements or upon the issuance of the 100th building permit whichever occurs first. These monies will be used for the project of 4-laning Boynton Beach Boulevard. This contribution shall be accepted in lieu of the "Fair Share" impact fee.

Said property located on the east side of Military Trail (S.R. 809) and being bounded on the south by Lake Worth Drainage District Lateral Canal No. 26, approximately .8 mile south of Boynton Beach Boulevard was approved as advertised subject to the following conditions:

1. CONDITION NO. 5 which STATES:

"5. The developer shall contribute Seven Hundred Dollars (\$700.00) per approved dwelling unit in the form of a clean irrevocable Letter of Credit toward the cost of meeting this project's direct and identifiable impact. This Letter of Credit shall be posted within six (6) months of Special Exception approval and may be called upon 12 months after Special Exception approval. These monies will be used for the project of 4-laning Boynton Beach Boulevard. This contribution shall be accepted in lieu of the "Fair Share" impact fee."

IS HEREBY REWORDED TO READ:

"5. 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 be amended. Presently, the Fair Share Fee for this project is \$200.00 per approved multi-family dwelling and \$300.00 per approved single-family dwelling.

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 \$400.00 per approved single-family dwelling and \$500.00 per approved multi-family dwelling toward Palm Beach County's existing Roadway Improvement Program.

These total combined funds (700.00/dwelling unit) shall be paid no later than August 21, 1985.

Commissioner **Wilken** , 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:

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

The foregoing resolution was declared duly passed and adopted this 21 day of **May, 1985** confirming action of the 28th March 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *John D. Ellington*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Sandy Grayson*  
County Attorney