

RESOLUTION NO. R-87-503

**RESOLUTION APPROVING ZONING PETITION 84-118(B):
Modification of Commission Requirements**

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. 84-118(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. 84-118(B), the petition of JOSEPH A. PALERMO AND H. LOY ANDERSON, JR., By Kieran Kilday, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS TO AMEND THE FOLLOWING CONDITION PLACED ON ZONING PETITION NO. 84-118(A), APPROVED JANUARY 3, 1986:

"17. To comply with the Mandatory Traffic Performance Standards, this project shall not be issued building permits for more than 31,980 square feet of floor area until the Military Trail construction contract as a 4-lane median divided section from Hypoluxo Road to Boynton Beach Boulevard has been let."

REQUEST TO AMEND CONDITION NO. 17 TO READ:

"17. To comply with the Mandatory Traffic Performance Standards, this project shall not be issued building permits for more than 31,980 square feet of floor area until the Military Trail construction contract as a 4-lane median divided section from Miner Road to Boynton Beach Boulevard has been let."

Said property located on the east side of Military Trail (S.R. 809), approximately 1 mile south of Hypoluxo Road in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. The petitioner shall comply with all conditions of previous approvals unless expressly modified herein.
2. No building permits for more than 31,980 square feet shall be issued for this project until construction commences for Military Trail between Hypoluxo Road and Boynton Beach Boulevard.
3. Condition No. 15 of Petition No. 84-118(A) which states:

"15. The property owner shall construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer:

- a) At Military Trail and White Feather Trail, a left turn lane, north approach; right turn lane, south approach; left turn lane, east approach.
- b) At Military Trail and project's entrance road, a left turn lane, north approach and a right turn lane, south approach.

along project entrances per the County Engineer's approval as a 2-12 foot travel lanes including appropriate drainage."

is hereby amended to state:

"15. The property owner shall construct concurrent with onsite paving and drainage improvements or concurrent with the 4 lane construction of Military Trail whichever shall first occur pursuant to a paving and drainage permit issued from the office of the County Engineer:

- a) At Military Trail and White Feather Trail, a left turn lane, north approach; right turn lane, south approach; left turn lane, east approach.
- b) At Military Trail and project's entrance road, a left turn lane, north approach and a right turn lane, south approach.
- c) Miner Road along project entrances per the County Engineer's approval as a 2-12 foot travel lanes including appropriate drainage."

4. Condition No. 19 of Petition No. 84-118(A) which states:

"19. The property owner 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 \$243,789.00 (9,100 trips X \$26.79 per trip)."

is hereby amended to state:

"19. The property owner 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 \$252,737.00 (9,434-trips X \$26.79 per trip)."

5. Condition No. 20 of Petition No. 84-118(B) which states:

"20. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$121,895.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$365,684.00) shall be submitted no later than January 1, 1987 or prior to the issuance of the first building permit, to Palm Beach County in the form of a Letter of Credit which can be drawn upon when requested at any time by the County Engineer.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$121,895.00 shall be credited toward the increased Fair Share Fee."

is hereby amended to state:

"20. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$126,368.00 toward Palm Beach County's existing Roadway

improvement program, these total funds of (\$379,105.00) shall be submitted no later than June 1, 1987 or prior to the issuance of the first building permit, to Palm Beach County in the form of a letter of Credit which can be drawn upon when requested at any time by the County Engineer.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$126,368.00 shall be credited toward the increased Fair Share Fee."

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