

South 25.00 feet of said Tracts 4 and 5, Block 8 for Right-of-Way of North Fairgrounds Road, LESS the West 100.00 feet of said Tract 4, Block 8, located on the Southeast corner of the intersection of Belvedere Road and U.S. Highway 441 (S.R. 7), being bounded on the South by Fairgrounds Road, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Petitioner shall comply with all conditions of previous approvals unless expressly modified herein.

2. Condition No. 14 of Zoning Petition No. 85-131 (R-86-120) which states:

"14. The developer shall retain the 85% of the stormwater generated by a three (3) year-24 hour storm per requirements of the Permit Section, Land Development Division. "

shall be amended to state:

"14. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement."

3. If required by the County Engineer or the South Florida Water Management District the developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.

4. Condition No. 15 of Zoning Petition No. 85-131 (R-86-120) which states:

"15. The property owner shall convey for:

a) the ultimate right-of-way along the property's frontage necessary to provide for a 160' ultimate section for S.R. 7 on an alignment approved by the County Engineer all within 90 days of adoption of the Resolution

by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

- b) The ultimate right of way along the property's frontage necessary to provide for an 80' right-of-way for Fairgrounds Road.

shall be amended to state:

"15. The property owner shall convey to Palm Beach County:

- a) the ultimate right-of-way along the property's frontage necessary to provide for a 160' ultimate section for S.R. 7 on an alignment approved by the County Engineer.
- b) The ultimate right of way along the property's frontage necessary to provide for an 80 foot right-of-way for Fairgrounds Road.
- c) The construction of a right turn lane, south approach on U.S. 441/SR 7 at the project's entrance road. This right of way shall be a minimum of 150 foot in length, 12 foot in width plus the appropriate tapers.
- d) The construction of a right turn lane, east approach on Belvedere Road at the project's entrance road. This right of way shall be a minimum of 150 foot in length, 12 foot in width plus the appropriate tapers.
- e) A minimum of 80 foot right of way from Fairgrounds Boulevard to Belvedere Road to Palm Beach County. Alignment of this right of way shall align with the entrance to Mayacoo Lakes Country Club.

All right-of-ways shall be dedicated within ninety (90) days of adoption of the Resolution by the Board of County Commissioners or prior to the certification of the site plan whichever shall first occur. Conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit."

- 5. Condition No. 21 of Zoning Petition No 85-131 (R-86-120) which states:

"17. Performance Security acceptable to the County

Attorney's Office required for the offsite road improvements shall be posted with the Office of the County Engineer within twelve (12) months of final approval.

shall be amended to state:

"17. Performance Security acceptable to the County Attorney's Office required for all offsite road improvements shall be posted with the Office of the County Engineer prior to December 1, 1987 or prior to certification of the Site Plan whichever shall first occur."

6. Condition No. 24 of Zoning Petition No. 85-131 (R-86-120) which states:

"24. In order to comply with the Mandatory Traffic Performance Standards the following phasing shall be in effect:

Phase I - 0 to 80,000 square feet of Commercial Building Area.

A) the property owner shall construct at Belvedere Road and S.R. 7:

- a) dual left turn lane, east approach,
- b) dual left turn lane, west approach,
- c) dual left turn lane, north approach,
- d) dual left turn lane, south approach.

B) The property owner shall provide construction plans for S.R. 7 as a 4-lane median divided roadway (expandable to 8 lanes from Belvedere Road through the project's main entrance) plus the appropriate tapers. These construction plans shall be per the County Engineer's approval based upon Florida DOT and Palm Beach County's Minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed within twelve (12) months of Special Exception Approval or prior to the issuance of a Building Permit. Plan costs shall be approved by the County Engineer.

C) The property owner shall let the contract to construct SR 7 as a 4 lane median divided section from Belvedere Road through the project's main entrance per the condition above. This construction shall be completed

within 2 years of Special Exception Approval or concurrent with the construction of Phase I building permits, whichever shall first occur. Credit for the impact fee shall be given for this road construction as outlined in Conditions No. 23, 24(b), and 24(c).

- D) There shall be no Building Permits issued for Phase I until the Florida Department of Transportation has let the contract for the SR 80 and SR 7 intersection improvements.

Phase II - 80,001 to 150,000 square feet of Building Area.

The property owner shall not apply for Building Permits for Phase II construction until the construction contract for the following road contracts have been let:

- a) Okeechobee Boulevard as a 4 lane median divided section from Golden Lakes Boulevard to Royal Palm Beach Boulevard plus the appropriate tapers,
- b) SR 7 as a 4 lane median divided section from SR 80 to the project's main entrance plus the appropriate tapers,
- c) Fairgrounds Road as a 2 lane section from SR 7 to the project's entrance road. This construction shall include left and right turn lanes on the east approach, a left turn lane, north approach and a right turn lane, south approach,
- d) SR 80 from Forest Hill Boulevard to Jog Road as a 4 lane median divided section plus the appropriate tapers.

Phase III - More than 150,000 square feet.

The property owner shall not apply for Building Permits for more than 150,000 square feet until the construction contract for the following road contracts have been let:

- a) Belvedere Road as a 4 lane median divided section from the project's east property to SR 7 plus the appropriate tapers,
- b) Fairgrounds Road as a 2 lane section from Sansbury's Way."

shall be amended to state:

"24. In order to comply with the Mandatory Traffic Performance Standards, the following phasing shall be in effect:

Phase I - 0 to 80,000 square feet of Commercial Building Area.

- A) the property owner shall construct at Belvedere Road and SR 7:
 - a) dual left turn lane, east approach,
 - b) dual left turn lane, west approach,
 - c) dual left turn lane, north approach,
 - d) dual left turn lane, south approach.

- B) If required by the County Engineer, the property owner shall provide construction plans for S.R. 7 as a 4-lane median divided roadway (expandable to eight (8) lanes from Belvedere Road through the project's main entrance) plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Florida DOT and Palm Beach County's Minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed within twelve (12) months of Special Exception approval or prior to the issuance of a building permit. Plan costs shall be approved by the County Engineer.

- C) If required by the County Engineer, the property owner shall let the contract to construct SR 7 as a 4 lane median divided section from Belvedere Road through the project's main entrance per the condition above. This construction shall be completed within two (2) years of Special Exception approval or concurrent with the construction of Phase I building permits, whichever shall first occur. Credit for the impact fee shall be given for this road construction as outlined in Conditions No. 23, 24(b), and 24(c).

- D) There shall be no Building Permits issued for Phase I until the Florida Department of

Transportation has let the contract for the SR 80 and SR 7 intersection improvements.

Phase II - 80,001 to 150,000 square feet of Building Area.

The property owner shall not apply for Building Permits for Phase II construction until the construction contract for the following road contracts have been let:

- a) Okeechobee Boulevard as a 4 lane median divided section from Golden Lakes Boulevard to Royal Palm Beach Boulevard plus the appropriate tapers,
- b) SR 7 as a 4 lane median divided section from SR 80 to the project's main entrance plus the appropriate tapers,
- c) Fairgrounds Road as a 2 lane section from SR 7 to the project's entrance road. This construction shall include left and right turn lanes on the east approach, a left turn lane, north approach and a right turn lane, south approach,
- d) SR 80 from Forest Hill Boulevard to Jog Road as a 4 lane median divided section plus the appropriate tapers.

Phase III - More than 150,000 square feet.

The property owner shall not apply for Building Permits for more than 150,000 square feet until the construction contract for the following road contracts have been let:

- a) Belvedere Road as a 4 lane median divided section from the project's east property to SR 7 plus the appropriate tapers,
- b) Fairgrounds Road as a 2 lane section from Sansbury's Way.

7. Condition No. 27 of Zoning Petition No. 85-131 (R-86-120) which states:

"27. No development of this site shall be undertaken by the petitioner, or his successor(s) or grantee(s), until such time as a binding letter of interpretation is obtained from the state land

planning agency. Should it be determined that this and the contiguous petitions (85-129 and 85-130) are a development of regional impact, the developer shall prepare and present modification petitions to Palm Beach County, to permit the Board of County Commissioners to effect consistency of the development order with the requirements and recommendations of the regional planning agency. No development of the site shall commence until the County has taken final action upon such modification petitions, if required."

is hereby deleted.

8. Condition No. 28 of Zoning Petition No. 85-131 (R-86-120) which states:

"28. The petitioner shall record a unity of title tying this site to the sites of Petitions 85-130 and 85-131 prior to adoption of the resolution finalizing the zoning action. Such unity of title may not be released until a binding letter is procured, determining that these petitions do not comprise a development of regional impact, or until development of regional impact review process is completed.

is hereby amended to read:

"28. Prior to site plan certification, petitioner shall record a Unity of Title covering the entire site of this petition."

9. Condition No. 29 of Zoning Petition No. 85-131 (R-86-120) which states:

"29. The property owner shall let the contract to construct SR 7 as a 4 lane section from Okeechobee Boulevard to SR 80 within 5 years from Special Exception Approval by the Board of County Commissioners (as per the plans referenced to in Condition No. 23)."

is hereby amended to read:

"29. The developer shall let the contract to construct SR 7 as a 4 lane section from SR 80 to Okeechobee Boulevard prior to January 1, 1990 in accordance with the plans as referenced in Condition No. 23."

Commissioner Adams 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:

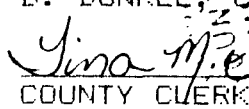
Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 4th day of October, 1988 confirming action of September 28, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

FALM BEACH COUNTY
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE,
BY: 
COUNTY CLERK

