

RESOLUTION NO R-92-1602

RESOLUTION AMENDING RESOLUTION NO R-87-414
RESOLUTION APPROVING ZONING PETITION OF
I D PROPERTIES, INC
PETITION NO 79-132(A)

WHEREAS, I D PROPERTIES, INC petitioned the Palm Beach County Planning Commission and the Board of County Commissioners, sitting as the final zoning authority, on September 5, 1986 and October 23, 1986, respectively, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT IN EXCESS OF 50,000 SQUARE FEET, PREVIOUSLY APPROVED UNDER ZONING PETITION NO 79-132, TO INCREASE BUILDING SQUARE FOOTAGE AND TO ALLOW A RECREATIONAL FACILITY, AMUSEMENTS, ATTRACTIONS AND EXHIBITS, AND A REDESIGN OF THE SITE, and

WHEREAS, Resolution No R-87-414 adopted March 24, 1987, confirming the action of the Board of County Commissioners sitting as the final zoning authority on October 23 1986 inadvertently omitted the conditions of approval, and

WHEREAS, the conditions of approval of Resolution No R-87-414 were omitted, and

WHEREAS, the conditions of approval of said zoning resolution should have read

- 1 Prior to site plan certification, the site plan shall be amended to reflect the following
 - a one (1) of three (3) alternative landscape strips along the west and south property lines
 - ~~b. required number of trees to be preserved or planted~~
 - c number of theater seats and theater employees along with corresponding parking requirements
 - d minimum five (5) foot wide divider medians
 - e minimum one (1) tree in each terminal island
 - f individual square footages of each "Pad"
 - g prior to Site Plan Certification, Petitioner shall submit calculations of the parking breakdown distinguishing between those for the retail center and those for the theater Based upon this breakdown, the site plan shall be revised to demonstrate that parking requirements can be met
- 2 Prior to site plan certification, the access easement to the north shall be conveyed This easement shall be subject to approval by the County Attorney
- 3 Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on subject property.
- 4 Petitioner shall comply with all conditions of previous approvals unless expressly modified herein

- 5 The property owner shall convey for the ultimate right-of-way required for the construction of a right turn lane, north approach on Congress Avenue at the project's north entrance road. This right-of-way shall be a minimum of 150 feet in length 12 feet in width with a taper length of 180 feet. This right-of-way shall be conveyed within 90 of the approval of the Resolution approving this project.
- 6 The property owner shall construct a continuous right turn lane on Congress Avenue from the project's north entrance to the project's south entrance. This construction shall include curb and gutter on the west side of Congress Avenue and shall be concurrent with onsite paving and drainage improvements.
- 7 The petitioner shall construct a left turn lane, south approach on Congress Avenue at the existing median openings which exists at the project's entrance roads onto Congress Avenue. This construction shall be concurrent with onsite paving and drainage improvements.
- 8 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 \$289,653 00.
- 9 Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$144,827 00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$434,480 00 shall be paid prior to the issuance of a Building Permit, or prior to March 1 1987 whichever shall first occur.
- 10 If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$144,827 00 shall be credited toward the increased Fair Share Fee.
- 11 The developer shall be permitted thirty thousand (30,000) square feet of the total to remain as the Cinema or use with equivalent traffic as determined by the County Engineer.
- 12 The development shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of permit application, but as a minimum, the development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one (1) hour storm per requirements of the permit section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineer's approval. In the event that the drainage system is not adequately maintained to the satisfaction of the County Engineer, the matter shall be submitted to the Code Enforcement Board for review and possible citation.
- 13 The developer shall four (4) lane Lantana Road from Congress Avenue easterly to a point determined by the County Engineer with plans supplied by Palm Beach County. Impact Fee credit may be applied toward this construction as determined by the County Engineer.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that

- 1 The foregoing recitals are hereby affirmed and ratified
- 2 The conditions of approval of Resolution No R-87-414 are hereby included

The foregoing resolution was offered by Commissioner Elmquist, who moved its adoption. The motion was seconded by Commissioner Roberts, and upon being put to a vote, the vote was as follows

Karen T Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A Roberts	--	Aye
Carol J Elmquist	--	Aye
Mary McCarty	--	Absent
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27 day of October, 1992

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

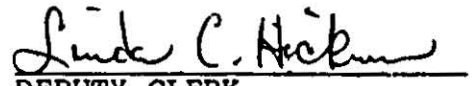
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MILTON T BAUER, CLERK

BY


COUNTY ATTORNEY

BY


DEPUTY CLERK