

RESOLUTION NO R-96-1339 1

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO CR 77-133E/F7  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO R-95-1018  
WHICH APPROVED THE SPECIAL EXCEPTION OF  
CROSS COUNTY PARTNERS  
PETITION NO 77-133(E)

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan

WHEREAS, the notice and hearing requirements as provided for in Section 5 8 of the Palm Beach County Land Development Code have been satisfied, and

WHEREAS, pursuant to Section 5 8, Status Report CR 77-133E/F7 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on September 26, 1996; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 77-133E/F7 and considered testimony, and the recommendations of the various county review agencies, and

WHEREAS, Section 5 8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval, and

WHEREAS, the Board of County Commissioners made the following findings of fact

- 1 The property owner has failed to make required landscaping improvements since 1993,
- 2 The Florida Department of Transportation paid \$390,000 00 plus interest to Cross County Partners on December 12, 1994 This payment was the result of an Order of Taking, and was in part to compensate for the loss of perimeter landscaping,
- 3 The proposed new construction will have no impact on the required phase 1 perimeter landscaping, and
- 4 The Palm Beach County Zoning Division and Engineering and Public Works Department recommend this amendment to conditions of approval

WHEREAS, Section 5 3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No CR 77-133E/F7, to amend Conditions of Approval of Resolution No R-95-1018, the Special Exception of Cross County Partners, Petition No 77-133(E), which approved a Development Order Amendment to delete land area, amend the site plan, and delete a condition, on a parcel of land legally described in Exhibit A, attached, being located on the southeast corner of the intersection of Military Trail and Okeechobee Boulevard on the north side of Westgate Avenue in the CG-General Commercial Zoning District, is approved, subject to the following

conditions:

- 1 All previously approved conditions of approval contained in Resolution R-95-1018 continue to apply unless expressly modified herein
2. Condition F 7 of Resolution R-95-1018 which currently states:  
Landscaping, irrigation and site improvements required to implement the Alternative Landscape Betterment Plan approved by the Board of Adjustment on June 15, 1995, shall be installed and completed as follow:
  - a Phase One. prior to January 31, 1996.
  - b Phase Two. prior to November 30, 1996
  - c Phase Three prior to December 31, 1997, or issuance of the last certificate of occupancy (C O.) within the redeveloped portion of the shopping center, whichever occurs first (DATE MONITORING Landscape)

Is hereby amended to state

Landscaping, irrigation and site improvements required to implement the Alternative Landscape Betterment Plan approved by the Board of Adjustment on June 15, 1995, shall be installed and completed as follow.

- a Phase 1A. prior to October 31, 1996. (DATE MONITORING - Landscape)
  - b. Phase 1B. landscaping shall be installed prior to November 30, 1997 if the development has not received revised DRC approval by May 31, 1997. No administrative time extension shall be granted for this condition (DATE: MONITORING - Landscape)
  - c. The landscaping in all existing parking areas shall be upgraded to comply with the 1973 Landscape Code by November 30, 1997. (DATE MONITORING - Landscape)
  - d. Phase Three. prior to December 31, 1997 (DATE MONITORING - Landscape)
- 3 Prior to 12-20-96:
    - a) A site plan which includes the Alternative Landscape Betterment Plan, shall be certified, (DATE. MONITORING-Landscape) and
    - b) A performance bond shall be posted for the Phase 1B landscaping. (DATE MONITORING - Zoning)
  4. Condition number E.1. of Resolution R-95-1018 which currently states:

Prior to September 1, 1995, or the issuance of the first building permit, whichever occurs first, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of an expanded intersection for Westgate Avenue and Military Trail. This right of way shall be in accordance with Palm Beach County's Expanded intersection details and shall extended a minimum of 100 feet east of the projects west entrance, or as approved by the County Engineer. This additional

right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments (MONITORING/BUILDING-Engineering)

Is hereby amended to state:

Prior to July 1, 1998, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for the construction of an expanded intersection at Westgate Avenue and Military Trail. This additional right of way shall be in accordance with Palm Beach County's Expanded intersection details and shall be extended a minimum of 100 feet east of the projects west entrance onto Westgate Avenue plus the appropriate taper length, as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" at the intersection of Westgate Avenue and Military Trail as approved by the County Engineer (DATE/BLDG PERMIT MONITORING - Eng)

- 5 Condition number E.3. of Resolution R-95-1018 which currently states:

The property owner shall fund construction of:

- a A concrete median divider on Westgate Avenue from Military Trail east to a point 100 feet east of this project's west entrance onto Westgate Avenue.
- b The right hand turn lane from the beginning of the taper (easternmost point) west to the projects west entrance

Funding for construction of all required improvements shall be completed prior to October 1, 1995 and be based on 110% of a cost estimate by the developers engineer, as approved by the County Engineer. (MONITORING-Engineering)

Is hereby amended to state:

- a Prior to the issuance of the first building permit, the Property owner shall obtain permits required by Palm Beach County for construction of the following:
  - i. a concrete median divider on Westgate Avenue from Military Trail east to a point 100 feet east of this project's entrance onto Westgate Avenue.
  - ii a right turn lane east approach on Westgate Avenue at Military Trail. This right turn lane shall extend from Military Trail east to a point 100 feet east of this project's entrance onto Westgate Avenue plus the appropriate paved tapers. (BLDG PERMIT. MONITORING - Eng)

b. Construction required by part "a" above shall be concurrent with the paving and drainage improvements for the site. Prior to the issuance of the first Certificate of Occupancy, construction shall be completed. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (CO MONITORING - Eng)

Commissioner McCarty moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

KEN FOSTER, CHAIR	—	AYE
BURT AARONSON	—	ABSENT
MAUDE FORD LEE	—	ABSENT
KAREN T. MARCUS	—	AYE
MARY MCCARTY	—	AYE
WARREN H. NEWELL	—	AYE
CAROL ROBERTS	—	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26 day of September, 1996.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY. *[Signature]*

DOROTHY H. WILKEN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK



