

RESOLUTION NO. R-2006-0151

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR1997-004B  
TO APPROVE A DEVELOPMENT ORDER AMENDMENT  
FOR PROPERTY PREVIOUSLY GRANTED A CONDITIONAL USE "A" BY  
RESOLUTION NO. R-2002-1017  
APPROVING THE PETITION OF DON STILLER  
PETITION NO. 1997-004B

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; and

WHEREAS, the notice and hearing requirements as provided for in Article 2.E. of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR1997-004B was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 26, 2006; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR1997-004B and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County Unified Land Development Code authorizes the Board of County Commissioners to approve development order amendments; and

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

1. A time extension to commence development may only be approved if the development order is consistent with the Palm Beach County Unified Land Development Code (ULDC).
2. To be consistent with the Palm Beach County Unified Land Development Code, the project must meet the Countywide Traffic Performance Standards (TPS).
3. The project will meet the TPS with the amendment of conditions of approval.
4. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Section 5.3 of the 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. SR1997-004B, to approve a Development Order Amendment to amend Conditions of Approval of Resolution No. R-2002-1017 the development order previously granted by the approval of the petition of Don Stiller, Petition No. 1997-004B, confirmed by the adoption of Resolution R-2002-1017, which approved a rezoning to the Multiple Use Planned Development (MUPD) zoning district, and allowed a general repair and maintenance facility, a convenience store with gas sales and a car wash facility, on property legally described as A PARCEL OF LAND SITUATE IN SECTION

22, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE AFORESAID SECTION 22; THENCE NORTH 00°41'06" WEST ALONG THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER, A DISTANCE OF 1331.34 FEET TO THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SOUTHEAST ONE-QUARTER; THENCE NORTH 89°31'42" EAST ALONG SAID LINE A DISTANCE OF 51.88 FEET TO THE EAST RIGHT OF WAY LINE OF JOG ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 4224, PAGE 780, AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°31'42" EAST, A DISTANCE OF 615.46 FEET TO A POINT ON THE WEST LINE OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE SOUTH 00°34'08" EAST ALONG SAID LINE, A DISTANCE OF 1144.98 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BOYNTON BEACH BOULEVARD (STATE ROAD 804) AS SHOWN IN COUNTY ROAD PLAT BOOK 2, PAGE 5, AND AS CONVEYED TO THE STATE OF FLORIDA IN OFFICIAL RECORDS BOOK 4251, PAGE 575, AND AS SHOWN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 97931-2347; THENCE NORTH 86°24'21" WEST ALONG THE SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 324.19 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE NORTH 88°18'58" WEST, A DISTANCE OF 270.97 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 88°08'31"; THENCE NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 46.15 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID JOG ROAD; THENCE NORTH 00°10'27" WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 1081.68 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 15.995 ACRES, MORE OR LESS.

### PARCEL III

A PARCEL OF LAND SITUATE IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE AFORESAID SECTION 22; THENCE NORTH 00°41'06" WEST ALONG THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER, A DISTANCE OF 1331.34 FEET TO THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SOUTHEAST ONE-QUARTER; THENCE NORTH 89°31'42" EAST ALONG SAID LINE A DISTANCE OF 51.88 FEET TO THE EAST RIGHT OF WAY LINE OF JOG ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 4224, PAGE 780; THENCE CONTINUE NORTH 89°31'42" EAST, A DISTANCE OF 615.46 FEET TO A POINT ON THE WEST LINE OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°31'42" EAST, A DISTANCE OF 333.67 FEET TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE SOUTH 00°30'38" EAST ALONG SAID LINE, A DISTANCE OF 1168.61 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BOYNTON BEACH BOULEVARD (STATE ROAD 804) AS SHOWN IN COUNTY ROAD PLAT BOOK 2, PAGE 5, AND AS CONVEYED TO THE STATE OF FLORIDA IN OFFICIAL RECORDS BOOK 4251, PAGE 575, AND AS SHOWN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 97931-2347; THENCE NORTH 86°24'21" WEST ALONG THE SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 333.36 FEET TO A POINT ON THE EAST LINE OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE NORTH

00°34'08" WEST ALONG SAID LINE, A DISTANCE OF 1144.98 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 8.845 ACRES, MORE OR LESS.

PARCEL II AND PARCEL III CONTAINING 24.840 ACRES, MORE OR LESS, being located on the northeast corner of Jog Road and Boynton Beach Boulevard is approved subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition Number Engineering 4 which previously stated:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a) Building Permits for more than 37,340 gross leasable floor area shall not be issued until the contract has been let for the construction of Hagen Ranch Road has begun for 5 lane section lane facility from canal to Boynton Beach Boulevard to Road Name plus the appropriate paved tapers. (BLDG PERMIT: MONITORING- Eng) (Note: COMPLETE)
- b) Building Permits for more than 62,952 gross leasable floor area shall not be issued until the contract has been let for the construction of the widening of Woolbright Road from Jog Road to Military Trail as a lane facility. (Note: COMPLETE)
- c) Building Permits for more more than 62,952 gross leasable floor area shall not be issued until construction has begun for Gateway Blvd from Jog Road to Military Trail plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng) (Note: COMPLETE)

Is hereby amended to state:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a) Building Permits for more than 37,340 gross leasable floor area shall not be issued until the contract has been let for the construction of Hagen Ranch Road has begun for 5 lane section lane facility from canal to Boynton Beach Boulevard to Road Name plus the appropriate paved tapers. (BLDG PERMIT: MONITORING- Eng) (Note: COMPLETE)
- b) Building Permits for more than 62,952 gross leasable floor area shall not be issued until the contract has been let for the construction of the widening of Woolbright Road from Jog Road to Military Trail as a lane facility. (Note: COMPLETE)
- c) Building Permits for more more than 62,952 gross leasable floor area shall not be issued until construction has begun for Gateway Blvd from Jog Road to Military Trail plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng) (Note: COMPLETE)
- d) Building permits for more than 109,749 sf of gross leasable floor area (maximum 386 PM peak hour trips) shall not be issued until the construction commences for an additional left turn lane (triple lefts) north approach at the intersection of Boynton Beach Blvd. and Jog Road, plus the appropriate

paved tapers. (BLDG PERMIT: MONITORING - Eng)

- e) No Building Permits for the site may be issued after January 1, 2007. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING - ENG)

3. Condition Number Engineering 8. of Resolution No. R-2002-1017 which currently states:

The property owner shall fund the installation of a traffic signal if and when warranted as determined by the County Engineer. Surety required for this signal shall be posted prior to the issuance of a Building Permit and shall remain in effect for a twenty (20) year time period. A traffic study shall be provided by the property owner prior to issuance of the building permit and shall include existing and proposed traffic volumes, synchronization and vehicle delay study. (BLDG PERMIT: MONITORING - Eng)

Is hereby amended to state:

The property owner shall fund the installation of a traffic signal at Jog Road and the project's north entrance if and when warranted as determined by the County Engineer. Surety required for this signal shall be posted prior to the issuance of a Building Permit and shall remain in effect for a twenty (20) year time period. A traffic study shall be provided by the property owner prior to issuance of the building permit and shall include existing and proposed traffic volumes, synchronization and vehicle delay study. (BLDG PERMIT: MONITORING - Eng)

4. Acceptable surety required for the improvements identified in Condition No. E.4.d above shall be posted with the Office of the Land Development Division on or before July 26, 2006. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the property owner's engineer and approved by the County Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING - ENG)
5. The property owner shall fund the construction plans, right of way acquisition costs and the construction of the improvements identified in Condition No. E.4.d above. Funding shall be completed on or before July 26, 2006. All canal crossings within the project limits shall be constructed to their ultimate configuration. (DATE: MONITORING - ENG)
6. Prior to September 1, 2006, the property owner shall convey to Palm Beach County Land Development Division by warranty deed for an expanded intersection at Boynton Beach Boulevard and Jog Road, including triple left turn lanes on the north approach. Right of way conveyance shall be free of all encumbrances and encroachments. The Developer 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. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way



conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and include "Corner Clips." (DATE: MONITORING-Eng)

Commissioner Aaronson moved for approval of the Resolution.

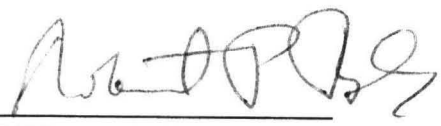
The motion was seconded by Commissioner Koons and, upon being put to a vote, the vote was as follows:

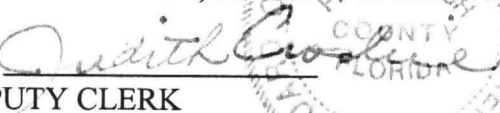
TONY MASILOTTI, CHAIRMAN	—	Absent
ADDIE L. GREENE, VICE CHAIRPERSON	—	Absent
JEFF KOONS	—	Aye
WARREN H. NEWELL	—	Absent
MARY MCCARTY	—	Aye
BURT AARONSON	—	Aye
KAREN T. MARCUS	—	Aye

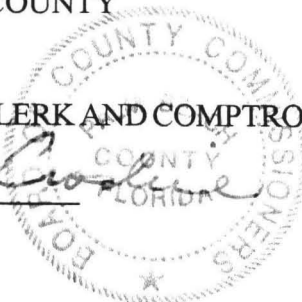
The Chair thereupon declared the resolution was duly passed and adopted this 26th day of January, 2006.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

SHARON R. BOCK, CLERK AND COMPTROLLER  
BY:   
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 26th day of January, 2006.