

RESOLUTION NO. R- 83-1085

RESOLUTION DENYING ZONING PETITION 77-13(A), Modification of
Petition No. 77-13

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. 77-13 (A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on ~~23rd June 1983; 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. The proposed modification is not consistent with the intent of the Thoroughfare Protection Plan nor with the provisions of the Land Use Plan which permit commercial areas, accessory to and approved as part of Planned Unit Developments without specific review against standard commercial rezoning criteria.
2. The proposed modification is contrary to the requirements of the Zoning Code, would require an unjustified variance from the applicable Code requirements, and is contrary to the intent of the Planned Unit Development Regulations.
3. Granting of this request would establish a precedent contrary to the intent of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 23rd day June 1983, that Petition No. 77-13(A) the petition of OAKHILL HOMES, INC. By William A. Joyner, Agent, TO MODIFY THE FOLLOWING SPECIAL CONDITION PLACED ON ZONING PETITION NO. 77-13 APPROVED JANUARY 27, 1977: CONDITION NO. 8 STATES:

The shopping center shall be limited to one hundred twenty thousand (120,000) square feet and provide one hundred (100) foot setback from the

ultimate right-of-way line of State Road No. 7.

A fifty (50) foot landscaped buffer zone, containing no paving, shall provided within the one hundred (100) foot setback. Furthermore, a "no access" easement shall be dedicated to Palm Beach County along State Road No. 7, within the buffer zone with the intent to exclude access to State Road No. 7, except as outlined in the associated conditions.

REQUEST: CONDITION NO. 8 TO READ:

The shopping Center shall be limited to one hundred twenty thousand (120,000) square feet and provide one hundred (100) foot setback from the ultimate right-of-way line of State Road No. 7.

A fifty (50) foot landscaped buffer zone, containing one forty-five foot wide entrance roadway, shall be provided within the one-hundred (100) foot setback. Furthermore, a "no access" easement shall be dedicated to Palm Beach County along State Road No. 7 within the buffer zone with the intent to exclude access to State Road No. 7, with the exception of a 60 foot wide access easement centered on the above mentioned access roadway, and except as outlined in the associated conditions.

Said property located on the west side of State Road No. 7, approximately 1 mile south of Clint Moore Road, in an RE-Residential Estate District was denied as advertised.

Commissioner Wilken, moved for denial of the petition. The motion was seconded by Commissioner Koehler, and upon being put to a vote, the vote was as follows:

Peggy E. Evatt, Chairman	--	AYE
Ken Spillias, Vice Chairman	--	AYE
Dennis I. Koehler, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Bill Bailey, Member	--	NAY

The foregoing resolution was declared duly passed and adopted this day of SEP 13 1983, confirming action of 23rd June 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS.

JOHN B. DUNKLE, CLERK

BY: *Fredy W. ...*
Deputy Clerk

