

RESOLUTION NO. R-85-968

RESOLUTION DENYING ZONING PETITION 83-137(A), Modification of Commission Requirements

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. 83-137(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th April 1985; 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 proposal as presented, is in consistent with the requirements 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 the 25th of April 1985, that Petition No. 83-137(A) the petition of FRANCIS MELEHAN By Martin Perry, Attorney to MODIFY SPECIALS CONDITIONS NO. 7 AND NO. 8 PLACED ON ZONING PETITION NO. 83-137 APPROVED OCTOBER 27, 1983:

Said property located on the southeast corner of the intersection of Indiantown Road (S.R.706) and Central Boulevard in a CG-General Commercial District was denied. The following modifications were, however, APPROVED:

1. Condition No. 7 of Petition 83-137 (Resolution 84-171) is amended to read:

The developer shall provide the construction plans for Central Boulevard as a four-lane median divided section from Indiantown Road south to Tony Penna Road including the appropriate tapers, by May 1, 1986, per the County Engineer's approval, or prior to the issuance of

a Certificate of Occupancy for Building "A" (9,000 square feet of commercial), whichever first shall occur.

2. Condition No. 8 of Petition 83-137 (Resolution 84-171) is amended to read:

The developer shall construct Central Boulevard as a four-lane median divided section from Indiantown Road south, to Tony Penna Road, by May 1, 1986, or prior to the issuance of a Certificate of Occupancy for Building "B" (31,000square feet), which ever shall first occur. This construction shall also include the items as outlined in Condition No. 7 above.

Commissioner Marcus , moved for denial of the petition.

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

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| Ken Adams, Chairman | -- | AYE |
| Karen T. Marcus, Vice Chairman | -- | AYE |
| Kenneth Spillias, Member | -- | NAY |
| Jerry L. Owens, Member | -- | AYE |
| Dorothy Wilken, Member | -- | NAY |

The foregoing resolution was declared duly passed and adopted this day of **JUN 25 1985** confirming action of the 25th April 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupie
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Laudy Sprague
County Attorney