

RESOLUTION NO. R-85-1102

RESOLUTION DENYING ZONING PETITION 77-13(C), Modification

*request denied*

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(C) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd May 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. This proposal is inconsistent 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 23rd of May 1985, that Petition No. 77-13(C) the petition of LEISURE COLONY MANAGEMENT CORPORATION By William Joyner, President to MODIFY SPECIAL CONDITIONS PLACED ON ZONING PETITION NO. 77-13(B) APPROVED JANUARY 24, 1985:

CONDITION NO. 8 STATES:

8. 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.

REQUEST: MODIFY 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 shall be provided within the one hundred (100) foot setback.)

CONDITION NO. 9 STATES:

9. A fifty (50) foot landscaped buffer zone, shall be provided within the one hundred (100) foot setback. Furthermore, vehicular access to the commercial tract shall be limited to the New England Boulevard access and one additional access to U.S. 441 (S.R. 7). The additional access to U.S. 441 shall be subject to the following requirements:

- a) a left turn lane south approach,
- b) a right turn lane north approach, c) signalization, when warranted by the County

Engineer.

REQUEST: DELETE CONDITION NO. 9

CONDITION NO. 13 READS:

13. The Kimberly Boulevard access to the commercial tract shall be restricted to pedestrian and bicycle traffic. The petitioner shall construct a sidewalk and bicycle path from Cain Boulevard to this pedestrian/bicycle access point.

DELETE CONDITION NO. 13 AND MODIFY TO ONE OF THE FOLLOWING OPTIONS:

ALTERNATIVE A:

Petitioner shall be permitted one two-way access point to the commercial tract from Kimberly Boulevard and one two-way access point at New England Boulevard as referenced in Condition No. 6 and as shown on the approved site plan on file with Palm Beach County (Petition No. 77-13, Exhibit No. 36 approved November 8, 1983).

ALTERNATIVE B:

Petitioner shall be permitted one access point to the commercial tract from Kimberly Boulevard. This access point shall be limited to a one-way entrance only **for** traffic traveling westbound on Kimberly Boulevard. The petitioner shall also **be** permitted two two-way access points from the commercial tract to U.S. 441 (S.R. 7) in addition to the access point at New England Boulevard referenced in Condition No. 6 above.

ALTERNATIVE C:

Petitioner shall be permitted one two-way access point to the commercial tract from Kimberly Boulevard. The petitioner shall also be permitted two two-way access points from the commercial tract to U.S. 441 (S.R. 7) in addition to the access point at New England Boulevard referenced in Condition No. 6 above.

Said property located on the west side of State Road No. 7 (I.J.S.441) approximately 1 mile south of Clint Moore Road in an RE-Residential Estate District was denied as advertised.

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

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

The foregoing resolution was declared duly passed and adopted this 23rd day of July confirming action of the 23rd May 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

Sandy Brown  
County Attorney