

RESOLUTION NO. R-89-1449

RESOLUTION APPROVING ZONING PETITION NO. 85-69(A)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF BMC DEVELOPMENT AT WOODSWALK, INC.

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 have been satisfied; and

WHEREAS, Petition No. was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on 85-69(A) ; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner: and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 85-69(A), the petition of BMC DEVELOPMENT AT WOODSWALK, INC., by F. Martin Perry, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying on a Parcel of land situated in Block 25 of Palm Beach Farms Company, Plat No. 3, Plat Book 2, Pages 45 through 54, said parcel being a portion of Tracts 48-51 inclusive of said Block 25, also being situate in Section 30, Township 44 South, Range 42 East, more particularly described as follows:

Beginning at the Northwest corner of Tract 50 of said Block 25; thence, North 90 degrees 00' 00" East, along the North line of said Tract 50, a distance of 40.05 feet to the Easterly Right-of-Way line of the Lake Worth Drainage District Equalizing Canal No. E-1, recorded in Official Record Book 3716, Page 689; thence, North 02 degrees 56' 32" East along said Easterly Right-of-way line, a distance of 239.51 feet; thence, North 89 degrees 59' 00" East, departing from said Right-of-way line, a distance of 1042.63 feet; thence, South 00 degrees 01' 00" East, a distance of 843.70 feet to the Northerly Right-of-way line of Lake Worth Road; thence, South 89 degrees 59' 00" West along said Northerly Right-of-way line along a line 50.00 feet North of and parallel with the Centerline of said Lake Worth Road, a distance of 1126.30 feet to the West line of said Tract 50; thence, North 02 degrees 56' 32" East, a distance of 605.33 feet to the Point of Beginning, being located on the northeast corner of the intersection of Lake Worth Road and State Road 7 (US 441), in a CG-General Commercial Zoning District, was approved on May 1, 1989 as advertised, subject to the following conditions:

1. The developer shall comply with **all** previous conditions of approval unless expressly modified herein.
2. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
3. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
4. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
5. The developer shall contribute an additional **\$50,000** to be used toward meeting the cost of the State Road 7 and Lake Worth Road intersection improvements. These funds will be paid as follows:
 - a. The amount of **\$25,000** to be paid at the time of building permit issuance of Phase I (1 to 85,000 square feet); and,
 - b. The amount of **\$25,000** to be paid at the time of building permit issuance of Phase II (85,001 square feet to total square feet).
6. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or

structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for adoption of the Resolution.

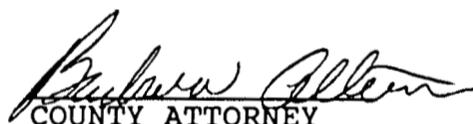
The motion was seconded by the Commissioner Howard and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--	AYE
Karen T. Marcus	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 1st day of August, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

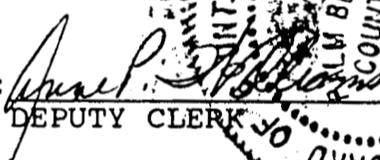
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

