

ORIGINAL

RESOLUTION NO. R-91- 529

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 83-45(A)/2B
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-90-52
WHICH APPROVED THE SPECIAL EXCEPTION OF
ROBERT TERRY AND WILLIAM KELLY
PETITION NO. 83-45(A)

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.

WHEREAS, the notice and hearing requirements as provided for in Section 402.6 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, pursuant to Section 402.6, Status Report CR 83-45(A)/2B was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at a public hearing conducted on February 28, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has reviewed Status Report CR 83-45(A)/2B and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 402.6 of the Palm Beach County Zoning Code authorizes the Board of County Commissioners, sitting as the Zoning Authority, to add or modify conditions of approval; 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 Plan and local land development regulations; and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

WHEREAS, Section 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 the recommendation of Status Report No. CR 83-45(A)/2B, amending Conditions of Approval of Resolution No. R-90-52, the Special Exception of Robert Terry and William Kelly, Petition No. 83-45(A), on parcel of land in Section 32, Township 43 South, Range 42 East in Tract 42, Block 6, Palm Beach Farms Company Plat NO. 3, according to the Plat recorded in Plat Book 2, Pages 45 to 54, more particularly described as follows: Beginning at the Northwest corner of said Tract 42, run East along the North line of said Tract 42 a distance of 275.04 feet; thence run South on a line parallel to the East line of said Tract 42 a distance of 265 feet; thence run West on a line parallel to the North line of said Tract 42 a distance of 125.00 feet; thence run South on a line parallel to the East line of said Tract 42 a distance of 55.97 feet; thence run East on a line making an angle with the last described course from North to East of 92 degrees, 47 minutes, 52 seconds a distance of 19.74 feet; thence run South on a line parallel to the East line

of 'said Tract 42 a distance of 112.6 feet, more or less, to the North right of way line of State Road No.80, as said right of way is conveyed by Deed recorded in Deed Book 1027, Page 3981 of the Public Records of Palm Beach County, thence run North 89 degrees, 58 minutes, 25 seconds West along the said North right of way line of State Road No.80 a distance of 170.53 feet to the West line of said Tract 42; thence run North along the West line of said Tract 42 a distance of 426.78 feet, more or less, to the Northwest corner of said Tract 42 and the point of beginning; TOGETHER with any right, title or interest of the party of the first part in or to the land subject to the right of way of State Road No. 80 lying South of the parcel herein above described., being located on the north side of Southern Boulevard, approximately 150 feet east of Benoist Farms Road in an IL-Light Industrial Zoning District, is approved, as amended, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition number 2 of zoning petition 83-45(A) which currently states:

(a) Surety for this right turn lane shall be posted prior to August 1, 1989. (b) Construction shall begin prior to January 1, 1990 and (c) shall be completed prior to May 1, 1990.

is hereby amended to read as follows:

Property owner shall fund the construction of a right turn lane, south approach, on Benoist Farms Road at the project's entrance road. Funding shall be complete prior to April 1, 1991.

3. The property owner shall secure all necessary documentation to assure that this property can be connected to a public sewage system.
4. Trees shall be installed a minimum twelve (12) feet in height with a five (5) foot spread, hedge material shall be installed at a minimum thirty-six (36) inches in height, and fifty (50) percent of the landscaping shall be native vegetation. This condition shall apply to all parcels for which a building permit application is submitted after March 1, 1991.

Commissioner Elmquist moved for approval of the Resolution.

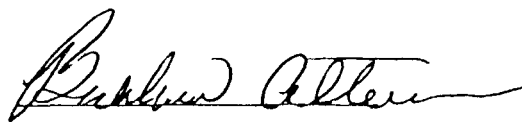
The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

KAREN T. MARCUS, CHAIR	-- Aye
CAROL J. ELMQUIST	-- Absent
CAROL ROBERTS	-- Aye
CAROLE PHILLIPS	-- Absent
MARY MCCARTY	-- Aye
KEN FOSTER	-- Aye
MAUDE FORD LEE	-- Aye

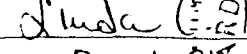
The Chair thereupon declared the resolution was duly passed and adopted this 23rd day of April, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
(orig. pet. date: 7-27-89)

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

