

RESOLUTION NO. R-81-1200

RESOLUTION APPROVING ZONING PETITION

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. 81-44 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27 August 1981; 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 would be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day of August, 1981, that Petition No. 81-44 the petition of DAVID DARDASHTI and JOSEPH H. KIRBY, by Joseph H. Kirby, Partner, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT, on the East 400 feet of the West 900 feet of the South 1/2 of Tract 2, Block 3, Palm Beach Plantations, in Section 12, Township 44 South, Range 42 East, as recorded in Plat Book

10, page 20, LESS: a parcel of land deeded to Palm Beach County more particularly described as: Commencing at the Southwest corner of the above described land; thence North 00°59'15" East, 10.01 feet to the Point of Beginning; thence South 88°46'02" East 30.00 feet; thence North 01°13'58" East, 70 feet; thence North 88°46'02" West, 30.30 feet; thence South 00°59'15" West, 70.00 feet to the Point of Beginning; and also LESS: a parcel of land for right-of-way purposes deeded to the State of Florida described as: the Northerly 10.00 feet of the Southerly 60 feet of the Easterly 400 feet of the Westerly 900 feet of the Southerly 1/2 of Tract 2, Block 3, Plat #1, Palm Beach Plantations, in Section 12, Township 44 South, Range 42 East, as recorded in Plat Book 10, page 20. Said property located on the north side of Forest Hill Boulevard, approximately 350 feet west of Military Trail (S.R. 809), was approved as advertised subject to the following conditions:

1. Petitioner shall only be allowed one entrance onto Forest Hill Blvd. to be aligned with the K-Mart entrance on the south side of Forest Hill Blvd.
2. Petitioner shall construct at the project's entrance and Forest Hill Blvd. prior to or concurrent with the first phase:
 - a. left turn lane, west approach
 - b. right turn lane, east approach
3. Petitioner shall contribute Thirty Thousand Dollars (\$30,000.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid within 120 days of special exception approval toward the construction program for Forest Hill Blvd. as a four lane median divided section from Congress Avenue on the east to Military Trail on the west as provided for in the 1981-1982 proposed capital outlay program. There shall be no Certificates of Occupancy issued until the contract for the roadway work has begun. In the event this roadway improvement is not part of the 1981-1982 capital outlay program the approval of this petition shall be readdressed by the Board of County Commissioners. The terms of this condition to be specifically set forth in a road construction agreement approved by the County Attorney's office.
4. Use of the free standing building shall be limited to retail sales only.
5. Petitioner shall be required to construct a six (6) foot wall measured from the shopping center grade along the rear propertyline prior to the issuance of a Certificate of Occupancy.
6. Petitioner shall provide documentation showing an update of water/sewer commitments.

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

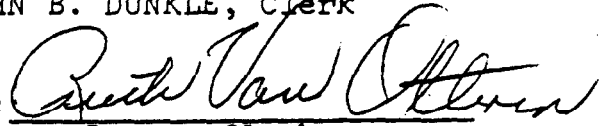
Frank Foster, Chairman	Aye
Norman Gregory, Vice Chairman -	Absent
Bill Bailey, Member	Aye
Dennis Koehler, Member	Aye
Peggy B. Evatt, Member	Aye

The foregoing resolution was declared duly passed and adopted
this 29th day of September, 1981 , confirming action of
27 August 1981.

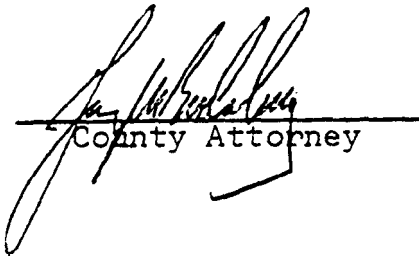
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By:


Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney

