

RESOLUTION NO. R-90-52

RESOLUTION APPROVING ZONING PETITION NO. 83-45(A)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF ROBERT TERRY AND WILLIAM KELLY

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. 83-45(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 27, 1989; 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. 83-45(A), the petition of ROBERT TERRY AND WILLIAM KELLY, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying 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 (SR 80), approximately 150 feet east of Benoist Farms Road, in an IL-Light Industrial Zoning District, was approved on July 27, 1989 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. Surety for this right turn lane shall be posted prior to August 1, 1989. Construction shall begin prior to January 1, 1990 and shall be completed prior to May 1, 1990.
3. 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 approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 2nd day of January, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Robert Altman*
COUNTY ATTORNEY

BY: *Lina M. Blair*
DEPUTY CLERK

