

RESOLUTION NO. R-90-54

RESOLUTION APPROVING ZONING PETITION NO. **87-134(B)**
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF DON CARTER'S ALL STAR LANES

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. **87-134(B)** 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. **87-134(B)**, the petition of DON CARTER'S ALL STAR LANES, by Alan J. Ciklin, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying on the South 200.00 feet of the North 621.00 feet of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 1, Township 45 South, Range 42 East, and the South 328.00 feet of the North 949.00 feet of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 1, Township 45 South, Range 42 East, less the East 67.00 feet thereof for the right-of-way for Military Trail, being located on the west side of Military Trail (SR 809), approximately .3 mile north of Hypoluxo Road, in the CG-General Commercial 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. Condition No. 12 of Zoning Petition NO. 87-134(A), which states:

"12. The bowling alley shall be limited to 53 lanes until Military Trail has been four-laned from Hypoluxo Road to Lantana Road. After the four-laning has been completed, the applicant may construct the remaining bowling lanes."

is hereby amended to read:

"The bowling center shall be limited to the use of 53 lanes until the contract for the four (4) laning of Military Trail from Hypoluxo Road to Lantana Road has been let."

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:

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|--------------------------|----|-----|
| 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:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

