

RESOLUTION NO. R-90-583

RESOLUTION APPROVING ZONING PETITION NO. 88-69(A)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF J.J. TAYLOR COMPANIES, 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. 88-69(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 26, 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. 88-69(A), the petition of J.J. TAYLOR COMPANIES, INC., BY JAMES E. CONNOR, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying in Section 17, Township 44 South, Range 43 East being lots 13 to 18, inclusive, Block 3; Lots 5 to 13, Lots 15 to 20 and the South 69 feet of Lot 3, Block 4; Lots 3, 4 and 5, LESS the South 140.00 feet of each lot, Block 5, BERMUDA PARK ADDITION NO.1, a subdivision to Palm Beach County, Florida, according to the plat thereof recorded in Plat Book 21, page 50.

SUBJECT TO right-of-way of Congress Avenue.

Lot 4, Block 4, BERMUDA PARK ADDITION NO. 1, LESS that part deeded to State of Florida for right-of-way of State Road 807, as in Official Record Book 876, page 328, according to the plat. in Plat Book 21, page 50, being located on the Northeast corner of the intersection of Congress Avenue and Lark Road, in a CS-Specialized Commercial Zoning District, was approved on October 26, 1989 as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.

2. Condition No. 7 of Zoning Petition 88-69 presently states:

"7. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Congress Avenue, 53 feet from centerline free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.11

is hereby amended to read:

"The property owner shall convey to Palm Beach County by road right-of-way warranty deed for Congress Avenue, 53 feet from centerline free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The right-of-way shall be conveyed, at no cost, within 90 days upon receipt of notice, that the right-of-way is needed, by the County Engineer."

3. The applicant, **leasee** or user of the subject property shall be responsible for the landscaping and maintenance of all improvements. Further, there shall be no bus benches, shelters, newspaper vending machines, or parking within all safe corners. These areas shall be planted and maintained only in accordance with Section 500.35 Section 5 of the Palm Beach County Zoning Code.

Commissioner Phillips 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
Karen T. Marcus	--	ABSENT
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 3rd day of April, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara Atterman*
COUNTY ATTORNEY

BY: *Kary Lou Clark*
DEPUTY CLERK