

29/10/90

RESOLUTION NO. R-91-381

RESOLUTION DENYING ZONING PETITION NO. 80-114(D)
FOR A MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF BOCA DEVELOPMENT ASSOCIATES

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. 80-114(D) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on November 29, 1990; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, pursuant to the Zoning Code of Palm Beach County, Florida, Sections 102 and 402.5 (sometimes 200.2 if Special Exception), 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is not consistent with the requirements of the Comprehensive Plan and local Land Development Regulations.
2. This proposal is not consistent with the present and future development of the area, and not an appropriate use in this location.

WHEREAS, Chapter 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. 80-114(D), the petition of BOCA DEVELOPMENT ASSOCIATES, BY JILL A. JARKESY, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS OF ZONING PETITION NO. 80-114(B), RESOLUTION NO. R-90-207, CONDITION NO. 2, PERTAINING TO GROSS LEASABLE AREA AND CONDITION NO. 36, PERTAINING TO PHASING on a parcel of land lying in the Southeast 1/4 of Section 24, Township 47 South, Range 41 East, commencing at the south 1/4 of said section; thence North 89 degrees 59'54" East, along the southerly boundary of said section, 2082.11 feet to the Point of Beginning of the herein described parcel; thence continue along the previous course, 464.51 feet to a point of intersection with the existing westerly right-of-way line of State Road 7; thence North 01 degree 58'47" East, along said West line, 2323.00 feet to a point; thence North 87 degrees 52'30" West, 854.73 to a point; thence South 01 degree 52'11" West, 1314.00 feet to a point of curve to the left, having a radius of 839.35 feet; thence run southerly along said curve, through an angle of 38 degrees 00'26", an arc length of 556.78 feet to a point of reverse curve to the right having a radius of 839.35 feet; thence run southerly along

said curve through an angle of 30 degrees 51'02", 451.94 feet to a point of intersection with the existing northerly right-of-way of Palmetto Park Road; thence North 89 degrees 59'54" East, 30.12 feet to a point on a curve to the right having a radius of 869.35 feet; thence from a tangent bearing South 05 degrees 06'14" East, run southerly along said curve, through an angle of 06 degrees 35'51", an arc distance of 100.10 feet to the Point of Beginning; less the rights-of-way for Palmetto Park Road and State Road 7 (U.S. 441), and less a triangular parcel for sight distance, being 25.00 feet along the rights-of-way of Palmetto Park Road and State Road 7 (U.S. 441). Containing 1,475,612.4 square feet (33.9) acres, more or less, and subject to easements, rights-of-way, and reservations of records, and being located on the N.W. CORNER US 441 AND PALMETTO PARK RD., in the CG Zoning District, was denied on November 29, 1990, with prejudice.

Commissioner Foster moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips		ABSENT
Carol A. Roberts	--	ABSENT
Carol J. Elmquist	--	ABSENT
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of March, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Pauline Alt*
COUNTY ATTORNEY

BY: *Michelle P. Brown*
DEPUTY CLERK

