

RESOLUTION NO. R-89-937

RESOLUTION APPROVING ZONING PETITION NO. 87-134(A)  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF BAER'S FURNITURE COMPANY, INC. AND  
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 Ordinance No. 73-2 have been satisfied: and

WHEREAS, Petition No. 87-134(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 27, 1988; 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, 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 made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 87-134(A), the petition of BAER'S FURNITURE COMPANY, INC., AND DON CARTER'S ALL STAR LANES, by Paul Parker, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on the South 200 feet of the North 621 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 828 feet of the North 949 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 feet thereof for the Right-of-way for Military Trail, located on the west side of Military Trail (SR 809) approximately .3 mile north of Hypoluxo Road, in a CG-General Commercial Zoning District, was approved 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. 16 of Zoning Petition No. 87-134, which

currently states:

"16. The property owner shall convey for the ultimate right-of-way of: a) Military Trail 67 feet from centerline, and; b) The construction of a right turn lane, north approach on Military Trail at the project's south entrance. This right-of-way shall be 12 feet in width, 100 feet in length, with a taper length of 180 feet, within 90 days of the approval of the Resolution approving this project, or prior to the issuance of the first building permit, whichever shall first occur."

Is hereby deleted

3. Condition No. 17 of Zoning Petition No. 87-134, which currently states:

"17. The property owner shall construct a right turn lane, north approach, and a left turn south approach on Military Trail at the project's entrance road, concurrent with onsite paving and drainage improvements."

Is hereby modified to read as follows:

"Developer shall pay for the design and construction of a left turn lane south approach on Military Trail at the project's northern most entrance; construction to be a part of Military Trail Project #83-219. At Palm Beach County's option the developer shall construct a right turn lane north approach at the project's north entrance concurrent with four laning of Military Trail Project #83-219. Should this section of roadway be six laned by Palm Beach County the right turn lane requirement shall be deleted."

4. Failure to comply with the conditions herein 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. Violations of the conditions herein shall constitute violation of the Palm Beach County Zoning Code.

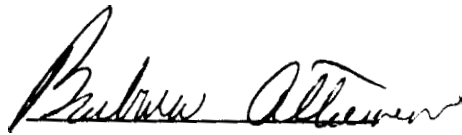
Commissioner Elmquist moved for approval of the petition. The motion was seconded by Commissioner Marcus and, upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
James Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 23rd day of May 1989 confirming action of May 27, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:

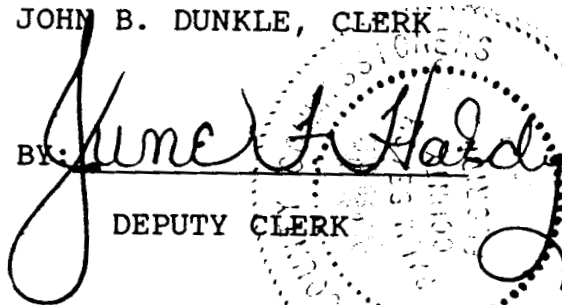


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:



DEPUTY CLERK

