

RESOLUTION NO. R-90- 524

RESOLUTION APPROVING ZONING PETITION NO. 87-30(A)
SPECIAL EXCEPTION PETITION OF K & D LAND DEVELOPMENT

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. 87-30(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 31, 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 Plan 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. 87-30(A) the petition of K & D LAND DEVELOPMENT, by David L. Carpenter, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN EXISTING LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET TO PERMIT RECREATION FACILITIES, AMUSEMENTS AND ATTRACTIONS AND EXHIBITS, PUBLIC AND PRIVATE (BINGO HALL) on a parcel of land lying on Parcel No. 1 Part of South 1/2 of the Southeast 1/4 of Tract 2, Block 2, Section 12, Township 44 South, Range 42 East, Palm Beach Plantation, Plat Book 10, Page 20, lying West of the Right-of-way of Military Trail (State Road 809), described in Official Record Book 1151, Page 127, less the South 110.00 feet thereof. Parcel No. 2 The South 110.00 feet of the South 1/4 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 12, less the Right-of-way for Military Trail. Parcel No. 3 North 1/2 of the South 1/2 of the East 1/2 of Lot 2, Block 2, plat No. 1, Palm Beach Plantations, Plat Book 10, Page 20, less the West 13.00 feet of the East 23.00 feet of the North 1/2 of the South 1/2 of the East 1/2 of said Lot 2. Subject to an utility easement 15.00 feet to width the centerline of which is described as follows: Commence at the Northeast corner of said parcel No. 3, thence along the Northerly line of said Parcel No. 3, North 88 Degrees 54' 35" West a distance of 7.51 feet to the Point of Beginning of the hereinafter described centerline;

thence along said centerline 7.50 feet westerly of, and parallel with, as measured at right angles to, the Easterly line of said Parcels No. 1, 2, & 3, South 01 Degrees 30' 17" East a distance of 104.12 feet to a point, said point being hereinafter referred to as Point "A"; thence continue South 01 Degrees 30' 17" East a distance of 125.35 feet to a point, said point being hereinafter referred to as Point "B"; thence continue South 01 Degrees 30' 17" East a distance of 104.10 feet to a point on the Southerly property line of said Parcel No.2 and Point of terminus. Together with a utility easement 15.00 feet in width the centerline of which described as follows: Begin at said Point "A"; thence North 88 Degrees 54' 35" West a distance of 211.03 feet to a point, said point being hereinafter referred to as Point "C"; thence continue North 88 Degrees 54' 35" West a distance of 217.78 feet to a point. Said point being hereinafter referred to as Point "D", thence South 01 Degrees 29' 52" East a distance of 125.23 feet to a point, said point being hereinafter referred to as Point "E"; thence continue South 01 Degrees 29' 52" East a distance of 43.50 feet to the Point of Terminus. Together with an utility easement 15.00 feet in width the centerline of which is described as follows: Begin at said Point "E", thence South 88 Degrees 53' 41" East a distance of 224.81 feet to a point, said point being hereinafter referred to as Point "F", thence continue South 88 Degrees 53' 41" East a distance of 167.02 feet to said Point "B" and Point of Terminus. Together with an utility easement 15.00 feet in width the centerline of which is described as follows: Begin at said Point "C", thence North 01 Degrees 05' 25" East a distance of 89.50 feet to the Point of Terminus. Together with an utility easement 15.00 feet in width the centerline of which is described as follows: Begin at said Point "D", thence North 01 Degrees 29' 52" West a distance of 37.50 feet to the Point of Terminus. Together with an utility easement 15.00 feet in width the centerline of which is described as follows: Begin at said Point "F", thence South 01 Degrees 06' 19" West a distance of 89.50 feet to the Point of Terminus, being located on the west side of South Military Trail (SR 809), approximately .2 mile south of Summit Boulevard, in the CG-General Commercial Zoning District, was approved on August 31, 1989, as advertised, subject to the following conditions:

1. All previous conditions of approval shall apply unless expressly modified herein.
2. The special exception use for a Bingo Hall shall be limited to 6,200 square feet of area located in the building in the northeast corner of the site as indicated on Exhibit 31.
3. The bingo hall shall be limited to a maximum of ninety-three (93) seats.
4. Hours of operation for the Bingo Hall shall be limited from 10.00 a.m. - 11.00 p.m., Monday-Sunday.
5. No advertising flags, foreign flags, pennants, banners, streamers, or balloons shall be permitted on site. No gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window as may be permitted by the Sign Code.

6. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
8. No off premise signs shall be permitted on site.
9. 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 Phillips moved for approval of the Resolution.

The motion was seconded by Commissioner Howard 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 27th day of March, 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

