

RESOLUTION NO. R-91- 68

RESOLUTION APPROVING ZONING PETITION NO. **89-21(A)**  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF BOARD OF COUNTY COMMISSIONERS  
BY CAROL ELMQUIST, CHAIR

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. **89-21(A)** 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, has considered the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the property owner was granted his Special Exception, but objected to the imposition of Condition Number **17**; and

WHEREAS, the property owner never, subsequently, pursued a Modification of Commission Requirements, never sought a building permit, nor sought any administrative relief whatsoever, which would have given the Board of County Commissioners or County staff an opportunity to review the conditions and provide relief to the property owner, if such were warranted; 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. **89-21(A)**, the petition of WILLIAM G. ROBINSON AND WILLIAM R. TINNERMAN, has been MODIFIED ON PETITION OF THE BOARD OF COUNTY COMMISSIONERS TO AMEND CONDITION NUMBER **17**, which is on a parcel of land lying in the NE **1/4** of Section **22**, Township **46** South, Range **42** East, being more particularly described as follows: Commence at the Northeast corner of said NE **1/4** of Section **22**; thence North **89°42'29"** West along the North line of said Section **22**, a distance of **336.05** Feet to a point; thence South **01°06'32"** East a distance of **667.02** Feet to a point; thence North **89°42'18"** West a distance of **335.95** Feet to the Southeast corner of the East **1/2** of the NW **1/4** of the NE **1/4** of the NE **1/4** of said Section **22** and the POINT OF BEGINNING of the hereinafter distance of **335.95** Feet to the Southwest corner of the East **1/2** of the NW **1/4** of the NE **1/4** of the NE **1/4** of said Section **22**; thence North **-1°07'34"** West along the West line of the East **1/4** of the NW **1/4** of the NE **1/4** of the

ORIGINAL

Northeast 1/4 of said Section 22, a distance of 623.56 Feet to a point on a line 40 Feet South of, as measured at right angles to, and parallel with the centerline of existing pavement as shown on the State of Florida Department of Transportation Right-of-way Map for State Road S-806 Section 93550-2601; thence South 89°41'37" East along said parallel line a distance of 234.10 Feet to the beginning of a curve concave to the North having a radius of 1,833.26 Feet and a central angle of 03°11'08"; thence easterly along the arc of said curve a distance of 101.92 Feet to a point on the East line of the East 1/2 of the NW 1/4 of the NE 1/4 of said Section 22; thence South 01°07'03" East along said line a distance of 626.33 Feet to the POINT OF BEGINNING. The North line of said Section 22 is assumed to bear North 89°42'29" West and all other bearings are relative thereto. Said parcel is located on the south-side of Delray West Road (SR 806) approximately .3 mile east of Carter Road in the General Commercial (CG) Zoning District, and was approved on November 29, 1990, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

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

B. MODIFICATION

1. Condition Number 17 of Petition Number 89-21 which presently states:

"17. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:

- a) No building permits shall be issued until construction contracts have been let for West Atlantic Avenue from Military Trail to Jog/Carter Road as a 6 lane section plus the appropriate paved tapers."

Is hereby amended to state:

17. In order to comply with the mandatory traffic performance standards, the Developer shall be restricted to the following phasing schedule:

- a. A building permit may be issued for 26,040 square feet of office warehouse (Phase I). No building permits other than the 26,040 square feet of office warehouse shall be issued until construction has begun for West Atlantic Avenue from Military Trail to Jog/Carter Road as a 6 lane section plus the appropriate paved tapers.

C. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
  - a. 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; and/or

- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency **or** exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, **or** the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any **departmental-administrative** actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner McCarty moved for approval of the Resolution.

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

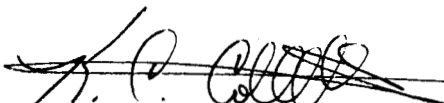
Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Absent
Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 8th day of January, 1991.

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

