

ORIGINAL

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 89-115(A)/E4
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-91-989
WHICH APPROVED THE SPECIAL EXCEPTION OF
MILITARY TRAIL ASSOCIATES PARTNERSHIP
PETITION NO. 89-115 (A)

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 402.6 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, pursuant to Section 402.6, Status Report CR 89-115(A)/E4 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at a public hearing conducted on March 26, 1992; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has reviewed Status Report CR 89-115(A)/E4 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 402.6 of the Palm Beach County Zoning Code authorizes the Board of County Commissioners, sitting as the Zoning Authority, to add or modify conditions of approval; 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; and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

WHEREAS, Section 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 the recommendation of Status Report No. CR 89-115(A)/E4, amending Conditions of Approval of Resolution No. R-91-989, the Special Exception of Military Trail Associates Partnership, Petition No. 89-115(A), which granted a Special Exception to allow a Planned Commercial Development (PCD) including a large scale community shopping center in excess of 30,000 square feet and a private utility service (water and well system) on a parcel of land lying on Tract 16, MARY A. LYMAN, ET. AL., amended plat of Section 12, Township 45 South, Range 42 East; as recorded in Plat Book 9, Page 74., being located on the west side of Military Trail approximately 0.4 of a mile south of Hypoluxo Road, bound on the south by the Lake Worth Drainage District Lateral Canal No, 19 in a CC-Community Commercial Zoning District, is approved, as amended, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition number E4 which presently states:

The property owner shall construct a right turn lane and fund the construction of a left turn lane on Military Trail at the project's main entrance road concurrent with on-site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. Funding shall be completed prior to September 1, 1991.

Is hereby amended to read:

- a. The property owner shall fund the construction of a left turn lane on Military Trail at the project's main entrance road. Funding in the amount of \$12,690.00 shall be completed prior to September 1, 1991.
 - b. Property owner shall construct a right turn lane north approach on Military Trail at the project's entrance road. This construction shall be completed prior to the issuance of a Certificate of Occupancy. Sufficient right-of-way shall be dedicated to accommodate this right turn lane.
3. Prior to May 27, 1992, the property owner shall modify the site plan for the subject site to reflect the additional right-of-way required in condition number E3 of Resolution R-91-929 (Petition 89-115(A))

Commissioner Elmquist 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:

KAREN T. MARCUS, CHAIR	--	AYE
CAROL J. ELMQUIST	--	AYE
CAROL ROBERTS	--	AYE
CAROLE PHILLIPS	--	ABSENT
MARY MCCARTY	--	AYE
KEN FOSTER	--	AYE
MAUDE FORD LEE	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 5th day of May, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Richard Allen*

MILTON T. BAUER, CLERK

BY: *Robert Johnson*

Deputy Clerk

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