

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 90-30C/01b
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-96-11
WHICH APPROVED THE SPECIAL EXCEPTION OF
JOHN KENNELLY
PETITION NO. 90-30(C)

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 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 90-30C/01b was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on July 25, 1996, and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 90-30C/01b and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval, and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The recommended action is consistent with the Palm Beach County Comprehensive Plan and Unified Land Development Code; and
2. The amendment of Condition number 0.1.b. will provide for one, rather than the two conflicting due dates for compliance with the condition.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners 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 90-30C/01b, to amend Conditions of Approval of Resolution No. R-96-11, the Development Order Amendment of John Kennelly, Petition No. 90-30(C), which amended conditions of a Special Exception which allowed a Planned Commercial Development, on A PARCEL OF LAND SITUATE IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA BEING A PORTION OF BLOCK 48 OF "PALM BEACH FARMS COMPANY'S PLAT NO. 3". AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE WEST 115.00 FEET OF TRACTS 50 AND 61 OF SAID BLOCK 48 WITH A LINE 95.00 FEET

NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 48, SAID LINE ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF BOYNTON WEST ROAD (STATE ROAD 804), AS RECORDED IN OFFICIAL RECORD BOOK 4251 AT PAGE 575 OF THE AFORESAID PUBLIC RECORDS; THENCE NORTH 00d 57 '00" WEST ALONG SAID EAST LINE OF THE 115.00 FEET A DISTANCE OF 1126.72 FEET; THENCE NORTH 89d 34'27" EAST, A DISTANCE OF 944.05 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF JOG ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 4224 AT PAGE 780 OF THE AFORESAID PUBLIC RECORDS; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 00d 10'27" EAST, A DISTANCE OF 398.96 FEET; THENCE SOUTH 01d 21'48" WEST, A DISTANCE OF 188.59 FEET; THENCE SOUTH 04d 36'09" WEST, A DISTANCE OF 211.72 FEET; THENCE SOUTH 00d 31'57" EAST, A DISTANCE OF 260.29 FEET; THENCE DEPARTING FROM SAID WESTERLY RIGHT OF WAY LINE, SOUTH 44d 15'31" WEST, A DISTANCE OF 56.36 FEET TO A POINT ON THE SAID NORTHERLY RIGHT OF WAY LINE OF BOYNTON WEST ROAD; THENCE ALONG SAID NORTHERLY LINE SOUTH 89d 03'00" WEST, A DISTANCE OF 259.47 FEET; THENCE SOUTH 86d 11'02" WEST, A DISTANCE OF 400.00 FEET; THENCE SOUTH 89d 03'00" WEST, A DISTANCE OF 209.64 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 23.645 ACRES MORE OR LESS, being located on the northwest corner of the intersection of Boynton Beach Boulevard and Jog Road in the CG-General Commercial Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions continue to apply unless expressly amended herein (ONGOING: MONITORING)
2. Condition number O.1.b of Resolution R-96-11 which currently states:

All required median landscaping, including an irrigation system if required shall be installed at the property owners expense prior to June 1, 1996. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assigns or duly established Property Owner's Association and/ or Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of landscaping of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy.

Is hereby amended to state:

All required median landscaping including an irrigation system, if required, shall be installed at the property owner's expense prior to June 1, 1996. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assigns or duly established Property Owner's Association and/ or Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of landscaping of Xeriscape material during periods of

drought in order to maintain healthy plant material. (DATE: MONITORING - Eng)

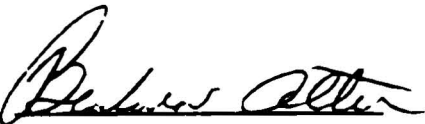
Commissioner Aaronson moved for approval of the Resolution.

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

KEN FOSTER, CHAIR	—	Aye
BURT AARONSON	—	Aye
MAUDE FORD LEE	—	Aye
KAREN T. MARCUS	—	Aye
MARY MCCARTY	—	Aye
WARREN H. NEWELL	—	Aye
CAROL ROBERTS	—	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 25th day of July, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
DEPUTY CLERK

