

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 73-237A/P2
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-93-334
WHICH APPROVED THE SPECIAL EXCEPTION OF
BMT REALTY, INC.
PETITION NO. 73-237(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 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 73-237A/P2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 30, 1997; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 73-237A/P2 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 amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code.
2. The property which is the subject of Resolution R-93-334 is in the future annexation area of the City of Palm Beach Gardens.
3. It is the policy of Palm Beach County to encourage the annexation of properties into municipalities when the property has been identified as being in a future annexation area.

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 73-237A/P2, to amend Conditions of Approval of Resolution No. R-93-334, the Special Exception of BMT Realty, Inc., Petition No. 73-237(A), which granted a Special Exception for a drive-through restaurant in the IL (Light Industrial) Zoning District, on a parcel of land beginning at a point on the North line of Section 19, Township 42S, Range 43E, said point being 331.69 Ft. West of the quarter section corner on the North line of the above mentioned Section 10; thence Southerly and making an angle of 90 degrees 2 minutes, zero seconds West to south from said North line of section 19, 75.00 ft. to the point of beginning of the lands hereinafter described, thence continuing southerly on the same line 198.4' feet to a point;

thence Westerly and parallel to the above mentioned North line of Section 19, 125 feet to a new corner now established; thence Northerly and parallel to the East line of this parcel, 198.40 feet to a point; thence easterly and parallel to the North Line of the above mentioned section 19, 125.00 feet to the point of beginning, being located on the southeast corner of the intersection of Northlake Boulevard and Lyndall Lane, is approved, subject to the following conditions:

1. All previously approved conditions of approval contained in Resolution R-93-334 continue to apply unless expressly amended herein.
2. The property owner of Petition 73-237(A) shall submit an application to voluntarily annex the property involved in Petition 73-237(A) into the City of Palm Beach Gardens when the subject property is contiguous and meets the provisions of Chapter 171, Florida Statutes. (ONGOING: PLANNING)

Commissioner McCarty moved for approval of the Resolution.

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

BURT AARONSON, CHAIRMAN	---	AYE
MAUDE FORD LEE, VICE CHAIR	---	AYE
KEN FOSTER	---	ABSENT
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 30 day of January, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *[Signature]*

DOROTHY H. WILKEN, CLERK
BY: *[Signature]*
DEPUTY CLERK

