

RESOLUTION NO. R-75-952

RESOLUTION APPROVING ZONING PETITION

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and Chapter 70-863, Laws of Florida, Special Acts of 1970, 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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 75-164 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 18 December 1975.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 18th day of December, 1975, that petition No. 75-164, the petition of PEBB ENTERPRISES by Paul Weiner, Partner, for the REZONING, FROM RM-RESIDENTIAL MULTIPLE FAMILY DISTRICT (MEDIUM DENSITY) TO CG-GENERAL COMMERCIAL DISTRICT on that portion of the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 25, Township 43 South, Range 42 East, less the West 250 feet, lying South of the 60 foot right-of-way for Cherry Road as now laid out and in use, also less the Westerly 53 feet thereof for right-of-way of Military Trail (State Road 809), also less the following described parcel: commencing at the intersection of the centerline of State Road 809, as shown in Road Plat Book 2, pages 229 through 233 with the centerline of Cherry Road as now laid out and in use. Said point of intersection being 503.10 feet more or less North of the Southwest

corner of the Northwest 1/4 of the Southeast 1/4 of said Section 25, as measured along the centerline of State Road 809; thence South 01° 46' 24" West along the centerline of State Road 809 and North-South quarter section line of said Section 25, a distance of 205 feet; thence South 88° 13' 36" East, a distance of 53 feet to the Point of Beginning and the Southwest corner of the herein described parcel; thence continue South 88° 13' 36" East, a distance of 150 feet; thence North 1° 46' 24" East, a distance of 176.76 feet to a point in the Southerly right-of-way line of said Cherry Road; thence Westerly along said Southerly right-of-way line, and along the arc of a curve concave to the North, and having a radius of 830 feet; through an angle of 3° 43' 49", a distance of 54.04 feet to the end of said curve; thence North 88° 13' 36" West along a line tangent to said curve, a distance of 71 feet to the beginning of a curve concave to the Southeast, having a radius of 25 feet and a central angle of 90° 00' 00"; thence Southwesterly along the arc of said curve, a distance of 39.27 feet to the end of said curve; thence South 01° 46' 24" West, a distance of 150 feet to the Point of Beginning, AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING AN INTERIM SEWAGE TREATMENT PLANT on that portion of the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 25, Township 43 South, Range 42 East, lying South of the 60 foot right-of-way for Cherry Road as now laid out and in use, also less the Westerly 53 feet thereof for right-of-way of Military Trail (State Road 809), also less the following described parcel: commencing at the intersection of the centerline of State Road 809, as shown in Road Plat Book 2, pages 229 through 233 with the centerline of Cherry Road as now laid out and in use. Said point of intersection being 503.10 feet, more or less North of the Southwest corner of the Northwest 1/4 of the Southeast 1/4 of said Section 25, as measured along the centerline of State Road 809; thence South 01° 46' 24" West along the centerline of State Road 809 and North-South

quarter section line of said Section 25, a distance of 205 feet; thence South $88^{\circ} 13' 36''$ East, a distance of 53 feet to the Point of Beginning and the Southwest corner of the herein described parcel; thence continue South $88^{\circ} 13' 36''$ East, a distance of 150 feet; thence North $1^{\circ} 46' 24''$ East, a distance of 176.76 feet to a point in the Southerly right-of-way line of said Cherry Road; thence Westerly along said Southerly right-of-way line, and along the arc of a curve concave to the North, and having a radius of 830 feet; through an angle of $3^{\circ} 43' 49''$; a distance of 54.04 feet to the end of said curve; thence North $88^{\circ} 13' 36''$ West along a line tangent to said curve, a distance of 71 feet to the beginning of a curve concave to the Southeast, having a radius of 25 feet and a central angle of $90^{\circ} 00' 00''$; thence Southwesterly along the arc of said curve, a distance of 39.27 feet to the end of said curve; thence South $01^{\circ} 46' 24''$ West, a distance of 150 feet to the Point of Beginning. Said property located on the south side of Cherry Road and on the east side of Military Trail (S.R. 809), approximately .2 mile north of Belvedere Road, was approved as advertised, subject to the following special conditions:

1. Developer shall construct the following at the intersection of Military Trail (S.R. 809) and Cherry Road:
 - a) Extend the existing left turn lane on the north approach;
 - b) Left and right turn lane on the east approach;
 - c) Upgrade the existing traffic signal to a three phase actuated signal to the satisfaction of the County Engineer, upon the request of the County Engineer, upon his discretion.
2. Developer shall construct the following at the intersection of Cherry Road and the development's entrance:

- a) Left turn lane, east approach;
 - b) Right turn lane, west approach;
 - c) Upgrade the drainage facilities on Cherry Road to facilitate the storm water runoff from the aforementioned improvements.
3. Developer shall pursue the possibility of obtaining the necessary approvals from the Federal Aviation Administration and Palm Beach County for legal positive outfall to the Airport Canal System.
 4. The developer shall give Palm Beach County an **avigation** easement over said lands as described within this resolution to a height that is acceptable by, and acceptable to, Federal **Aviation** Administration (FAA) Standards.
 5. The developer shall permit any authorized Palm Beach County employee, **or** its agent, to enter upon said lands as described within this resolution, for the purpose of removing any natural, **or** man-made object to the extent that **it** protrudes into the **avigation** easement.

Commissioner **Lytal** , moved **for** approval of the petition.

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

E.W. Weaver	Yes
Lake Lytal	Yes
Robert F. Culpepper	Yes
Robert C. Johnson	Yes
William Medlen	Yes

The foregoing resolution was declared duly passed and adopted this **30th** day of **December** , 1975, confirming action of 18 December 1975.

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PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By *Quirk Van Olters*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Wm. W. Deel
County Attorney