

RESOLUTION NO. R- 80-96

RESOLUTION DENYING 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, 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. 79-263 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27 December 1979; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

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

1. The proposal would generate excessive noise or traffic
2. The proposal would, not be in harmony and compatible with the present and future development of the area concerned
3. The proposal would provoke excessive overcrowding or concentration of people or population

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day of December, 1979, that Petition No. 79-263 the petition of DEVINCO OF FLORIDA, INC., by James H. Anstis and Jeffery A. Ornstein, Agents, for a SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA on a parcel of land lying in Section 21, Township

47 South, Range 42 East, said parcel being Tract 11, Boca Del Mar No. 5, as recorded in Plat Book 30, pages 127, 128, LESS a parcel of land being described as a portion of Tract 11, Boca Del Mar No. 5, Sections 21 & 22, Township 47 South, Range 42 East, said parcel being more particularly described as follows: Commence at the intersection of Palmetto Park Road and Palmetto Circle North; thence with a bearing of North $0^{\circ}09'53''$ West, along the centerline of Palmetto Circle North a distance of 447.02 feet to a point; thence with a bearing of North $89^{\circ}50'07''$ East, a distance of 40.00 feet to the Point of Beginning; thence along the West line of Tract 11 with a bearing of North $0^{\circ}09'53''$ West, a distance of 264.80 feet to a point; thence continuing along the West and North line of Tract 11, with a curve to the right having a radius of 480.87 feet and an arc length of 752.13 feet to a point; thence continuing along the North line of Tract 11 with a bearing of North $89^{\circ}30'27''$ East, a distance of 150.00 feet to a point; thence with a bearing of South $0^{\circ}29'33''$ East, a distance of 480.00 feet to a point; thence with a bearing of South $89^{\circ}30'27''$ West, a distance of 255.87 feet to a point; thence with a bearing of South $0^{\circ}09'53''$ East, a distance of 265.06 feet to a point; thence with a bearing of South $89^{\circ}50'07''$ West, a distance of 375.00 feet, more or less, to the Point of Beginning. LESS a parcel of land being described as a portion of Tract 11, Boca Del Mar No. 5, Section 21 and 22, Township 47 South, Range 42 East, said parcel being more particularly described as follows: Commence at the intersection of Palmetto Park Road and Palmetto Circle North; thence with a bearing of North $0^{\circ}09'53''$ West along the centerline of Palmetto Circle North a distance of 447.02 feet to a point; thence with a bearing of North $89^{\circ}50'07''$ East, a distance of 40.00 feet to the Point of Beginning; thence continuing with a bearing of North $89^{\circ}50'07''$ East a distance of 375.00 feet to a point; thence with a bearing of North $0^{\circ}09'53''$ West with a distance of 265.03 feet to a point; thence with a bearing of North $89^{\circ}30'27''$ East a distance of 255.87 feet to a point;

thence with a bearing of North 0°29'33" West, a distance of 480.00 feet to a point on the North line of Tract 11; thence along the North line of Tract 11 with a bearing of North 89°30'27" East, a distance of 292.30 feet to a point; thence with a bearing of South 0°29'33" East, a distance of 1095.23 feet to a point on the South line of Tract 11; thence along the South line of Tract 11 with a bearing of South 89°50'07" West, a distance of 901.67 feet to a point of curvature; thence continuing along the South and West line of Tract 11, with a curve to the right having a radius of 25.00 feet an arc length of 39.27 feet to a point; thence continuing along the West line of Tract 11 a distance of 322.02 feet more or less to the Point of Beginning. LESS a parcel of land lying in Section 21, Township 47 South, Range 42 East, said parcel being a portion of Tract 11, as recorded by Boca Del Mar No. 5, in Plat Book 30, page 127-128, said parcel being more particularly described as follows: Commencing at the Southeast corner of the above mentioned Section 21; thence with a bearing of North 0°29'33" West, along the centerline of Powerline Road a distance of 1276.33 feet to a point; thence with a bearing of South 89°30'27" West, a distance of 67.00 feet to a point; said point being the Point of Beginning; thence with a bearing of South 0°29'33" East along the West right-of-way line of Powerline Road a distance of 184.03 feet to a point; thence with a bearing of South 89°30'27" West, a distance of 209.03 feet to a point; thence with a bearing of North 0°29'33" West, a distance of 209.03 feet to a point on the South right-of-way line of Palmetto Circle North; thence with a bearing of North 89°30'27" East, along the South right-of-way line of Palmetto Circle North a distance of 184.03 feet to a point; thence with a curve to the right having a radius of 25.00 feet, an arc length of 39.27 feet, more or less, to the Point of Beginning. Said property located at the northwest corner of the intersection of Powerline Road (70th Avenue South) and Palmetto Park Road in a CG-General Commercial District, was denied as advertised.

Commissioner Gregory , moved for denial of the petition.
The motion was seconded by Commissioner Evatt , and upon being
put to a vote, the vote was as follows:


Bill Bailey, Chairman	Yes
Dennis Koehler, Vice Chairman -	Yes
Peggy B. Evatt, Member	Yes
Frank H. Foster, Member	Yes
Norman R. Gregory, Member -	Yes

The foregoing resolution was declared duly passed and adopted
this 15th day of **January, 1980** , confirming action of
27 December 1979.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By:


Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney

