

RESOLUTION NO. R- 87-1198

RESOLUTION DENYING ZONING PETITION 84-132(B): Special Exception

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. 84-132(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 28, 1987 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. This proposal is not consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session that Petition No. 84-132(B), the petition of SOMERSET ASSOCIATES, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 84-132 ON FEBRUARY 19, 1985 TO INCLUDE AN AUTOMOBILE SERVICE STATION (AND ACCESSORY MECHANICAL REPAIR) on a portion of Tracts 49, 50, 51, 52, 53, 54, and 55, Block 76, Palm Beach Farms Co. ,

Plat No. 3 in Section 17, Township 47 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54, inclusive, ~~LESS~~ the Right-of-way for Lyons Road as described in Official Record Book 2870, Page 1761, being more particularly described as follows: Commencing at the Southeast corner of the above described parcel; thence North, a distance of 38.00 feet to the Point of Beginning of this description; thence West, a distance of 329.98 feet; thence South 13.00 feet; thence West 930.31 feet; thence North 40.00 feet; thence North 43 degrees 30' 00" West, a distance of 36.27 feet to a point on the East Right-of-way line of Lyons Road, the last five courses described being coincident with the North Right-Of-Way line of Glades Road (State Road 808); thence North 03 degrees 00' " East, a distance of 344.78 feet to the Point of Curvature of a circular curve to the left: thence Northerly, along the arc of said curve, having a radius of 3873.72 feet, an arc distance of 202.83 feet to the Point of Tangency; thence North, a distance of 539.79 feet, the last three courses described being coincident with the said East Right-of-way line, said point being on the arc of a circular curve to the left, whose radius point bears North from the last described point: thence Easterly and Northerly, along the arc of said curve, having a radius of 30.00 feet, an arc distance of 29.55 feet: thence North 89 degrees 10' 20" East, a distance of 241.06 feet to the Point of Curvature of a circular curve to the right: thence Easterly and Southerly, along the arc of said curve, having a radius of 140.00 feet, an arc distance of 176.43 feet to the Point of Reverse Curvature: thence Southeasterly, along the arc of said curve, having a radius of 315.00 feet, an arc distance of 161.91 feet to the Point of Reverse Curvature; thence Southerly, along the arc of said curve, having a radius of 60.00 feet: an arc distance of 44.02 feet to the Point of Reverse Curvature; thence Southeasterly, along the arc of said curve, having a radius of 400.00 feet, an arc distance of 251.31 feet to the Point of Reverse Curvature; thence Southerly, along the arc of said curve, having a

radius of 335.00 feet, an arc distance of 165.07 feet to the Point of Reverse Curvature; thence Southeasterly, along the arc of said curve, having a radius of 137.51 feet, an arc distance of 359.29 feet to the Point of Reverse Curvature; thence Easterly, along the arc of said curve, having a radius of 185.00 feet, an arc distance of 87.88 feet to the Point of Tangency: thence North 89 degrees 11' 23" East, a distance of 207.46 feet to a point on the East line of the above described parcel: thence South, along said East line, a distance of 416.91 feet to the Point of Beginning; ~~LESS~~ the following described parcel: Beginning at the Southeast corner of the above described parcel; thence West, a distance of 329.98 feet; thence South, a distance of 13.00 feet; thence West, a distance of 930.31 feet; thence North, a distance of 48.00 feet; thence West, a distance of 1.61 feet, the last five courses described being coincident with the North Right-of-way line of Glades Road (State Road 808); thence North, a distance of 12.69 feet, the last course described being coincident with the East Right-of-way line of Lyons Road; thence South 43 degrees 30' 00" East, a distance of 17.50 feet; thence East, a distance of 500.00 feet; thence South 88 degrees 51' 15" East, a distance of 400.08 feet; thence East, a distance of 349.86 feet; thence South, a distance of 27.00 feet to the Point of Beginning of this description, ~~LESS~~ the following described parcel: Beginning at the Southeast corner of the above described parcel; thence West, a distance of 329.98 feet; thence South, a distance of 13.00 feet; thence West, a distance of 930.31 feet; thence North, a distance of 40.00 feet to the Point of Beginning of this description; thence North 43 degrees 30' 00" West, a distance of 36.27 feet to a point on the East Right-Of-Way line of Lyons Road; thence North 03 degrees 00' " East, a distance of 344.78 feet to the Point of Curvature of a circular curve to the left; thence Northerly, along the arc of said curve, having a radius of 3873.72 feet, an arc distance of 202.83 feet; thence North, a distance of 260.92 feet, the last five courses described

as being coincident with the East Right-Of-Way line of Lyons Road; thence South 01 degree 08' 46" East, a distance of 400.60 feet; thence South 03 degrees 00' " West, a distance of 400.00 feet; thence South 43 degrees 30' 00" East, a distance of 18.77 feet; thence South, a distance of 12.69 feet; thence East, a distance of 1.61 feet; thence South, a distance of 8.00 feet to the Point of Beginning of this description. The property is located on the northeast corner of the intersection of Lyons Road and Glades Road (SR 808) in a CG-General Commercial Zoning District and was denied as advertised, with prejudice.

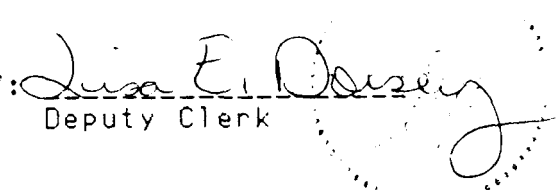
Commissioner Wilken, moved for denial of the petition. The motion was seconded by Commissioner Adams, and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye
Carol J. Elmquist	--	Aye

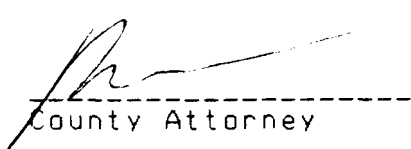
The foregoing resolution was declared duly passed and adopted this 11th day of August, 1987 confirming action of May 28, 1987.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney