

RESOLUTION NO. R-97-961

RESOLUTION DENYING ZONING PETITION DOA84-58(C)
PETITION OF GASTION INC.

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 Article 5 of the Palm Beach County Unified Land Development Code (ULDC), have been satisfied; and

WHEREAS, Petition DOA84-58(C) was presented to the Board of County Commissioners at a public hearing conducted on March 25, 1997, May 27, 1997 and June 23, 1997; and

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

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

1. This requested use is not an appropriate use in this location. It does not meet the guidelines of Article 6.4.D.15 and 27 of the ULDC, particularly as to the proper functioning of the site and adequate access.
2. This request does not meet the purpose and intent of the Planned Development District standards as it does not produce development that is in keeping with the overall land use intensity, does not meet the performance standards that are intended to protect existing uses from harmful encroachment by disruptive development and does not provide an environment of stable character compatible with the surrounding areas.
3. This request does not forward the goals of the Palm Beach County Comprehensive Plan. It is not compatible with surrounding land uses and does not comply with design guidelines set forth in Article 6.8.A.23 of the ULDC.
4. Access to the uses and circulation between uses and buildings on this site are not **safe** or convenient for either pedestrians or vehicular traffic.
5. The additional curb cut onto Atlantic Avenue is not in compliance with FDOT access standards nor with the purpose and intent of Section 7.7 of the ULDC to provide safe and efficient traffic movement. This curb cut will create vehicular **safety hazards**, both on site and off-site.
6. The Zoning Commission at its December 5, 1996 hearing determined that this request is detrimental to the established land use patterns in the surrounding area,

7. The site plan, as presented does not produce a compatible or functional land use pattern as evidenced by the intensity of use (convenience store, gas sales, car wash); by the inadequate and hazardous internal circulation and hazardous external circulation; and by the inadequate parking design as indicated by the lack of available parking adjacent to the convenience store; and

WHEREAS, Article 5 of the Palm Beach County Unified 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 Zoning Petition DOA84-58(C), the petition of GASTION INC., by RICHARD COKER, JR., agent, for a Development Order Amendment to allow convenience store with gas sales and additional access in the Multiple Use Planned Development Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was denied on June 23, 1997.

Commissioner Marcus moved for approval of the Resolution.

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

Burt Aaronson, Chair	-	Aye
Maude Ford Lee, Vice Chair	-	Absent
Ken Foster	-	Aye
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Warren Newell	-	Aye
Carol A. Roberts	-	Aye

The Chair thereupon declared the resolution was duly passed and adopted on July 24, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

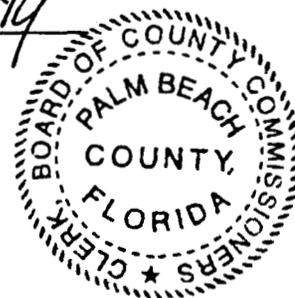


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE RUN NORTHERLY ALONG THE WEST LINE OF SAID SECTION 14, A DISTANCE OF 127.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 806, AS RECORDED IN ROAD PLAT BOOK 3, PAGE 25, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE RUN NORTHEASTERLY ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 806, BEING A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1832.27 FEET, A DISTANCE OF 682.61 FEET TO THE END OF SAID CURVE; THENCE NORTH 44°08'14" EAST ALONG THE TANGENT OF SAID CURVE, BEING ALSO THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 806, A DISTANCE OF 172.39 FEET TO THE POINT OF BEGINNING; THENCE NORTH 44°08'14" EAST, CONTINUING ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 806, A DISTANCE OF 242.26 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 1751.73 FEET; THENCE CONTINUE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, BEING ALSO THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 806, THROUGH A CENTRAL ANGLE OF 02°53'14", A DISTANCE OF 88.27 FEET; THENCE SOUTH 27°58'32" EAST, A DISTANCE OF 75.03 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5.00 FEET AND A CENTRAL ANGLE OF 28°22'59"; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 2.48 FEET TO AN INTERSECTION WITH A LINE 402.50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 14; THENCE SOUTH 00°24'27" WEST, ALONG SAID PARALLEL LINE A DISTANCE OF 197.89 FEET; THENCE DUE WEST, A DISTANCE OF 168.25 FEET; THENCE SOUTH 44°08'14" WEST, A DISTANCE OF 45.99 FEET; THENCE NORTH 45°51'45" WEST, A DISTANCE OF 91.75 FEET TO THE POINT OF BEGINNING.

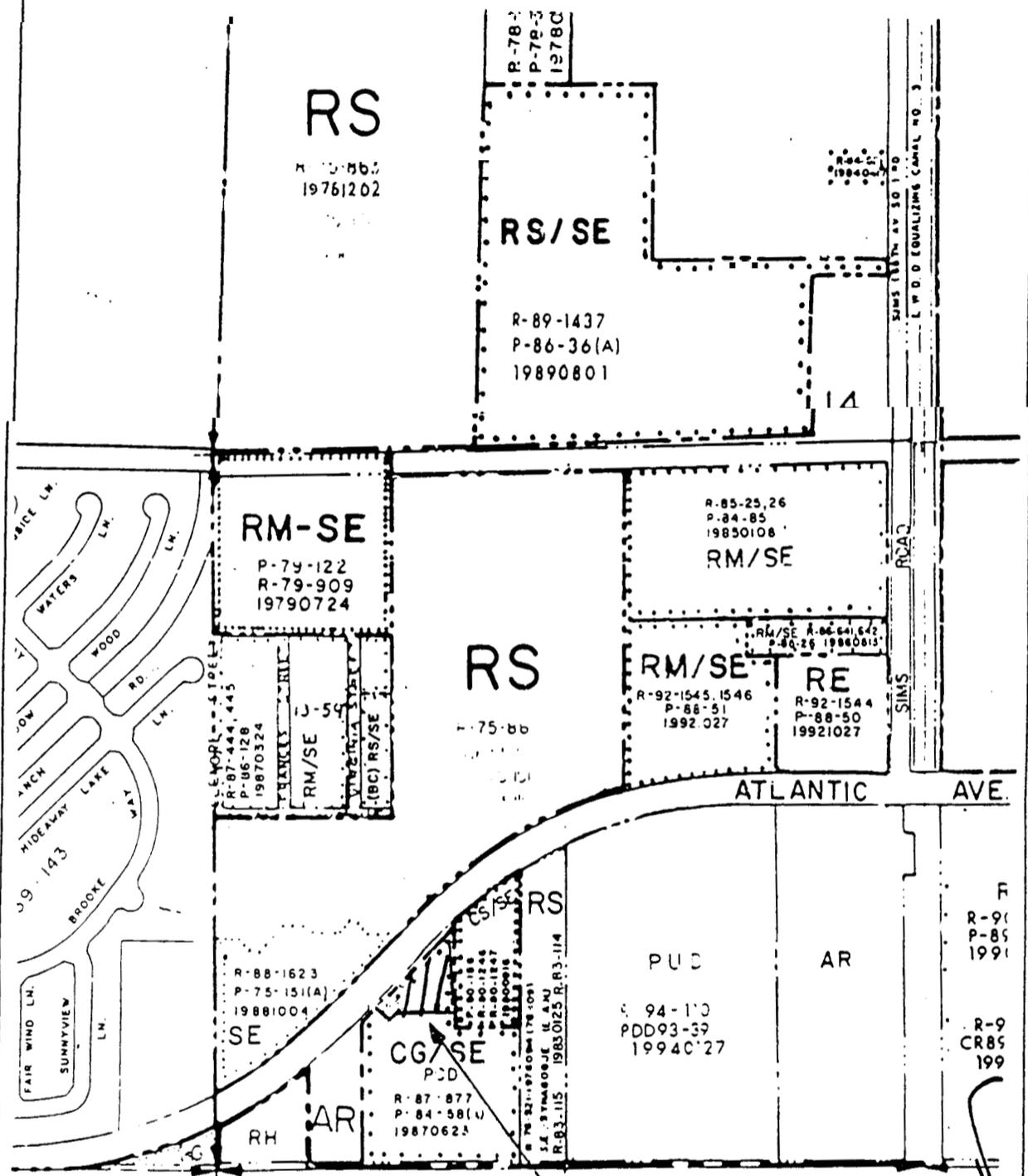
CONTAINING 43,560.69 SQUARE FEET OR 1.000 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

NOTE: BEARINGS SHOWN HEREON ARE REFERENCED TO AN ASSUMED BEARING OF N.0° 00' 51"W. ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



PLOTTED: 02-15-96 PAU.
PRL
SUR



Petition Number: 84 58(C)
Zoning Quad Page _____
Date: _____

