

RESOLUTION NO. R-78-215

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, 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, 78-1 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26 January 1978.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 26th day of January, 1978, that petition No. 78-1 the petition of ALBERT E. SCARSON for the REZONING, FROM CN-NEIGHBORHOOD COMMERCIAL DISTRICT TO CG-GENERAL COMMERCIAL DISTRICT of Lots 8 and 9, Hypoluxo Ridge, in Section 9, Township 45 South, Range 43 East, as recorded in Plat Book 22, page 48. Said property located on the south side of Hypoluxo Road, approximately 200 feet west of Overlook Road, was approved as amended by the Petitioner to include a SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT subject to the following special conditions:

1. Petitioner shall reach an agreement with the Department of Planning, Zoning and Building to accommodate an orderly phase out of the nonconforming residential uses located on the property.
2. Petitioner shall construct a six (6) foot masonry wall along the rear south property line.

3. The use of this site shall **be** limited to a ceramic retail store, an upholstery/reupholstery shop, and a beauty salon due to the low traffic volume of these uses because the site lacks sufficient size and parking to accommodate **more** intense uses. Any change in the above uses shall require Board **of** County Commission approval.
4. Petitioner shall reserve fourteen (14) feet for the ultimate right-of-way of Hypoluxo Road and shall not place any structure **or** *do any work within the reserve area that will increase the **market** value of said area. Petitioner agrees that should Palm Beach County condemn additional right-of-way **for** Hypoluxo Road, he will not seek compensation above the fair market value as of the date of this petition.

Commissioner Medlen , moved for approval of the petition.

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

Peggy Evatt, Chairman	-	Yes
Bill Bailey, Vice Chairman	-	Yes
Lake Lytal	-	Yes
William Medlen	-	Yes
Dennis Koehler	-	Yes

The foregoing resolution **was** declared duly passed and adopted this 21st day of February , 1978, confirming action of 26 January 1978.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *[Signature]*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney

