

RESOLUTION NO. R-81-877

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. 81-94 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25 June 1981; 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 be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 21st day of JULY, 1981, that Petition No. 81-94 the petition of PETER MALY for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL NEW AND USED AUTOMOBILE SALE AND REPAIR FACILITY AND LOT on certain parcels of land in Section 29, Township 43 South, Range 43 East, more particularly described as follows: Beginning at

From a point on the North Section line of Section 29, Township 43 South, Range 43 East, this point being 764 feet East of the East line of Madrid Park, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County in Plat Book 13, page 78 where it adjoins the North Section line of Section 29; thence running South parallel to the East line of Madrid Park a distance of 110 feet; thence East parallel to the North line of said Section a distance of 112.5 feet; thence North and parallel to the East line of Madrid Park a distance of 110 feet to the North Section line; thence West along the North Section line, a distance of 112.5 feet to the Point-of-Beginning; EXCEPTING therefrom the rights-of-way for drainage canals, be the aforesaid several dimensions, more or less; LESS also the Right-of-way for Okeechobee Boulevard; the, East 12.5 feet of said Tract, running from North to South is reserved for roadway known as Oklawaha Avenue, together with the following described parcel from a point on the North Section line of Section 29, Township 43 South, Range 43 East which point is 764 feet East of the East line of Madrid Park, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, in Plat Book 13, page 78 where it adjoins the North Section line of Section 29, run South on a line parallel to the East line of Madrid Park a distance of 110 feet to the Point of Beginning; thence from said Point of Beginning continue South on a line parallel to the East line of Madrid Park a distance of 50 feet; thence run East on a line parallel to the North line of Section 29 a distance of 112.5 feet; thence run North on a line parallel to the East line of Madrid Park a distance of 50 feet; thence run West on a line parallel to the North Section line of Section 29 a distance of 112.5 feet to the Point of Beginning, SUBJECT to a perpetual easement over and upon the East 12.5 feet of the parcel hereinabove described for private road purposes, together with the following described parcel; From a point on the North line of said Section 29, which is 764 feet East of the East line of Madrid Park, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, in Plat Book 13, page 79 where it adjoins the North line of said Section 29;

run South on a line parallel to the East line of Madrid Park a distance of 160 feet to the Point of Beginning and the Northwest corner of the parcel hereby conveyed; thence continue South parallel to the East line of Madrid Park a distance of 50 feet; thence run East on a line parallel to the North line of said Section 29, a distance of 112.5 feet; thence run North on a line parallel to the East line of Madrid Park a distance of 50 feet; thence run West on a line parallel to the North line of said Section 29, a distance of 112.5 feet to the Point of Beginning; SUBJECT to a perpetual easement over and upon the East 12.5 feet of the parcel hereby conveyed for private roadway purposes, together with the following described parcel: From a point on the North Section line of Section 29, Township 43 South, Range 43 East, which point is 876.5 feet of the East line of Madrid Park, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, in Plat Book 13, page 78 where it adjoins the North Section line of Section 29, run South parallel to the East line of Madrid Park a distance of 262 feet to the Point of Beginning; thence from said Point of Beginning continue South parallel to the East line of Madrid Park, a distance of 72 feet; thence run West parallel to the North line of Section 29 a distance of 102.5 feet; thence run North parallel to the East line of Madrid Park a distance of 72 feet; thence run East parallel to the North line of Section 29 a distance of 102.5 feet to the Point of Beginning; SUBJECT to an easement for private roadway purposes over the East 12.5 feet of the above described land, and TOGETHER WITH an easement for private-roadway purposes from the Eastern end of the first above described land North to Okeechobee Road over the private roadway known as Oklawaha Avenue, together with the South 52 feet of the North 262 feet of the East 112.5 feet of the West 210 feet of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 29, Township 43 South, Range 43 East, less Canal right-of-way. Said property located on the southwest corner of the intersection of Okeechobee Boulevard (S.R. 704) and Oklawaha Avenue in a CG-General Commercial District, was approved as advertised subject to the following conditions:

1. Petitioner shall construct Oklawaha Avenue from Okeechobee Blvd. to the project's south property line.
2. Petitioner shall not be permitted a turnout onto Okeechobee Blvd.
3. Petitioner shall contribute Two Thousand Two Hundred and Fifty Dollars (\$2,250.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s).
4. Adequate screening and buffering shall be installed **along the** south property line.

Commissioner Koehler , moved for approval of the petition.

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

Frank Foster, Chairman	<b>NAY</b>
Norman Gregory, Vice Chairman	ABSENT
Bill Bailey, Member	AYE
Dennis Koehler, Member	AYE
Peggy B. Evatt, Member	<b>ABSENT</b>

The foregoing resolution was declared duly passed and adopted this 21st day of JULY, 1981 , confirming action of 25 June 1981.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Van Otterden*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*Joseph M. Brundage*  
County Attorney

