

RESOLUTION NO. R-83-217

RESOLUTION APPROVING ZONING PETITION 82-162, 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. 82-162 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24 November 1982; 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 24th day of November, 1982, that Petition No. 82-162 the petition of ELWILL ASSOCIATES, INC., By Graham Steventon, President, for a SPECIAL EXCEPTION TO ALLOW AN AUTOMOBILE SERVICE AND REPAIR FACILITY on the North 1/2 of the West 1/2 of said Tract 5, less the North 250 feet thereof and less the East 400 feet; Subject to Right-of-Way for Military Trail as the same now exists. Less and except that certain parcel of land entered in Case No. 77-4088 CA(L) 01B, VIZ: A parcel of land lying in Section 1, Township 44 South, Range 42 East, and more particularly described as follows: Commencing at the intersection of the centerline of Gun Club Road with the centerline of Military Trail; thence South 02°01'39" West along the centerline of said Military Trail a distance of 333.64 feet to the Westerly Prolongation of the North Line of the South 1/2 of Tract 5 of the Plat of Palm Beach Plantation Plat No. 1, as Recorded in Plat Book 20, Page 10; Thence South 88°15'30" East along said Westerly Prolongation, a distance of 53.00 feet to the East Right-of-Way Line of Military Trail and the Point of Beginning; thence continue on, the same Bearing, and along said North Line

a distance of 25 feet; thence North $02^{\circ}01'39''$ East a distance of 15 feet; thence North $88^{\circ}15'30''$ West a distance of 25 feet to said East Right-of-Way Line of Military Trail thence South $02^{\circ}01'39''$ West along said Right-of-Way Line a distance of 15 feet to the Point of Beginning; Subject to a temporary Easement for construction purposes 10 feet in width lying in Section 1, Township 44 South, Range 42 East, more particularly described as follows: A strip of land 10 feet in width lying 5 feet on each side of the following described centerline: Commencing at the intersection of the centerline of Gun Club Road with the centerline of Military Trail, thence South $02^{\circ}01'39''$ West along said centerline of Military Trail, a distance of 313.64 feet to the Westerly Prolongation of a Line 25* feet North of and parallel with the North Line of the South 1/2 of Tract 5 of the Palm Beach Plantation Plat No. 1 (Model Land Company), Recorded in Plat Book 20, Page 10; Thence South $88^{\circ}15'30''$ East along said Westerly Prolongation, a distance of 53.00 feet to the East Right-of-Way Line of Military Trail and the Point Of Beginning; thence continue on the same Bearing along said parallel line a distance of 30 feet; thence South $02^{\circ}01'39''$ West a distance of 20 feet to said North Line and the End of this description. *Typographical error as supplied, should be 20 feet. Said property located on the East side of Military Trail (S.R. 809), approximately 200 feet South of Gun Club Road in a CG-General Commercial District, was approved as advertised subject to the following conditions:

1. The Developer shall pay One Thousand Nine Hundred and Twenty-Five (\$1,925.00) Dollars at the time of issuance of building permits as payment toward meeting the cost of this project's direct and identifiable traffic impact.
2. The Petitioner shall provide for required preservation areas of significant existing vegetation in the proposed site design prior to final site plan certification.
3. The proposed site plan shall be amended to include the requirement of a six (6') foot high opaque fence along the subject property's east property line prior to final site plan certification.
4. No autobody, outdoor repair, or open storage activities shall be allowed on the subject premises.
5. Hours of operation shall be limited to the period between 7:30 a.m. and 9:00 p.m.

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

Peggy B. Evatt, Acting Chairman	-	Aye
Ken Spillias, Member	-	Aye
Dennis P. Koehler, Member	-	Aye
Dorothy Wilken, Member	-	Aye
Bill Bailey, Member	-	Absent

The foregoing resolution was declared duly passed and adopted
this 8th day of February , 1983 , confirming action of
24 November 1982.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

BY: *Dorinda B. Madson*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Bartlett
County Attorney