

RESOLUTION NO. R- 83-375

RESOLUTION APPROVING ZONING PETITION NO. 83-3, Special Exception

WHEREAS, the Board of County Commissione-s, 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. 83-3 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted- on 27th January 1983; 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 Commissionews made the following findings of fact:

- 1: The proposed development is permitted by the Commercial provisions of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day of January 1983, that Petition No. 83-3 the petition of JAMES P. & LINDA G. FEOLA, for a SPECIAL EXCEPTION TO ALLOW A RECREATION FACILITY on the South 423.67 feet, less the South 140 feet thereof, of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 1, Township 45 South, Range 42 East, less the East 50 feet thereof and less the South 182.0 feet of the West 240.0 feet and less the South 142 feet of the East 157 feet of the West 397 feet thereof. Subject to an Easement for road and utility purposes over the South 20 feet thereof. Said property

located on the west side of Military Trail (S.R. 809), approximately .2 miles north of Hypoluxo Road in a CG-General Commercial District, was approved as advertised subject to the following conditions:

1. The developer shall enter into a contract with the County Utilities Department for sewer service prior to site plan certification.
2. The development shall be required to tie into the County's potable water supply system as soon as service is available and shall thereafter use the on-site well for irrigation purposes only.
3. The developer may substitute a 4' high (at time of planting) continuous, fast-growing hedge along the eastern 250 feet of the north and south property boundaries instead of the 6' high solid wall.
4. Hours of exiting and entering shall be cleared with the School Board so as not to conflict with school bus schedules.
5. The property owner shall convey to Palm Beach County, within 90 days of approval, 67 feet from centerline for the ultimate right-of-way for Military Trail (approx. an additional 17 ft. of right-of-way).
6. Developer shall only be permitted one entrance onto Military Trail at the project's North property line.
7. The property owner shall convey to the property owners to the west an access easement per the County Engineer's approval.
8. Developer shall construct at the project's entrance road on Military Trail, concurrent with a paving and drainage permit from the office of the County Engineer:
 - a) Right turn lane north approach
 - b) Left turn lane south approach
9. Developer shall contribute Eight Thousand Eight Hundred and Fifty Dollars (\$8,850.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid on a pro-rata basis at the time of issuance of the Building Permit(s).
10. The approval is limited to the uses specified in the application.
11. No alcoholic beverage sale or consumption shall be permitted on the premise.
12. The facility shall close at 11:00 p.m. each evening.
13. The exterior of the building shall be finished in stucco with a Spanish-style roof. In addition, the 6' high wall shall be finished and painted.

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:

Peggy E. Evatt, Chairman	Absent
Ken Spillias, Vice Chairman	Aye
Dennis P. Koehler, Member	Aye
Dorothy Wilken, Member	Aye
Bill Bailey, Member	Aye

The foregoing resolution was declared duly passed and adopted this 22nd day of March, 1983, confirming action of 27th January 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: Darlene M. Harris
Deputy Clerk

MAR 22 1983



APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Corbett
County Attorney