

RESOLUTION NO. R-83-1044

RESOLUTION APPROVING ZONING PETITION 83-26, 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. 83-26 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24th March 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 Commissioners made the following findings of fact:

1. The proposed Special Exception is consistent with the Comprehensive Plan and Mandatory Performance Standards.
2. The proposed use will require variances from parking and landscaping regulation; in order to be permitted.
3. The proposed use should not have any significant negative impacts upon surrounding properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 24th day of March, 1983, that Petition No. 83-26 the petition of SEYMOUR GORDON AND RALPH HARTNIG By beril Kruger, Agent, for a SPECIAL EXCEPTION TO ALLOW A RESTAURANT AND LOUNGE on a parcel of land lying in Section 29, Township 43 South, Range 43 East, more particularly described as follows: Commencing at the intersection of the North South quarter sectionline of said Section 29, said quarter section line being also the centerline of Fla-Mango Road; with the South right-of-way line of Old Okeechobee Road; thence Westerly, along said South right-of-way line, a distance of 868.67 feet; thence

Southerly, parallel with the said quarter section line, a distance of 680 feet to the Point of Beginning; thence continue Southerly, along said parallel line, a distance of 200 feet; thence Westerly, parallel with the said South right-of-way line, a distance of 190.26 feet, thence Northerly, making an angle with the preceding course of 89°45'15", measured from East to North, a distance of 200 feet; thence Easterly, parallel with the said South right-of-way line, a distance of 190.95 feet to the Point of Beginning; subject to an easement for drainage purposes 6 feet in width, the West - line of which is more particularly described as follows: From the aforcdescribed Point of Beginning; thence Westerly, parallel with the said South right-of-way line, a distance of 190.95 feet to the Point of Beginning of said West -- line of the 6 foot easement; thence Southerly, making an angle with the preceding course of 90°26'37", measured from East to South, a distance of 200 feet to the terminal point of said 6 foot easement. Said property located on the northwest corner of the intersection of Donna Road and Rockey Drive in an IL-Light Industrial District, was approved as advertised subject to the following conditions:

1. This use authorization is limited strictly to a private bottle club and shall be limited to hours of operation of 10:00 p.m. to 6:00 a.m., Monday through Saturday operation.
2. The developer shall contribute Two Thousand Five Hundred Dollars (\$2,500.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of building permits.
3. This use shall not become a nuisance to surrounding properties or the public in general.

Commissioner Bailey, moved for approval of the petition.

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

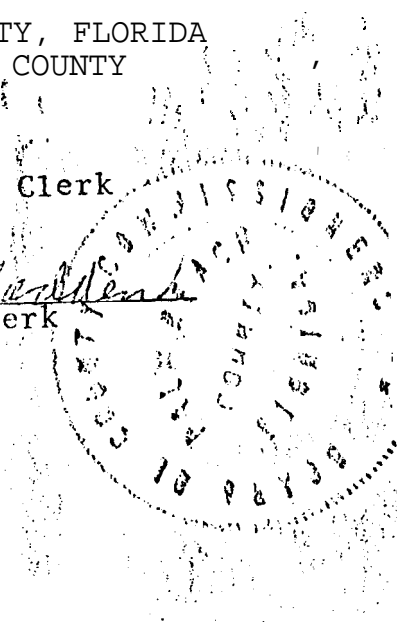
Peggy E. Evatt, Chairman	- ABSENT
Ken Spillias, Vice Chairman	- AYE
Dennis P. Koehler, Member	- ABSENT
Dorothy Wilken, Member	- AYE
Bill Bailey, Member	- AYE

The foregoing resolution was declared duly passed and adopted this 13th day of September, 1983, confirming action of 24th March 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Frank Mendenhall*
Deputy Clerk



APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Collett
County Attorney