

RESOLUTION NO. R-85-1104

RESOLUTION DENYING ZONING PETITION 85-44, 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. 85-44 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd May 1985; 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. This proposal is inconsistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 23rd of May 1985, that Petition No. 85-44 the petition of GERALD HIGIER, TRUSTEE By Kieran Kilday, Agent for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA on a parcel of land lying in Tract 39 of Township 44 1/2 South, Range 42 East, being a portion of Lots 1 and 2 of said Tract 39, less the Westerly 40 feet (15 feet of Road right-of-way by plat) of Lot 2 for the right-of-way for Jog Road, and less the North 40 feet of said Lots 1 and 2 for the right-of-way for Lantana Road, and less the South 35 feet of said Lots 1 and 2 for Lake Worth Drainage District Lateral No. 16, the subject parcel being more particularly described as follows:

Commencing at the South 1/4 corner of Section 34, Township 44 South,

Range 42 East; thence with a bearing of South 88 degrees 32'23" East, along the South line of the Southeast 1/4 of said Section 34, a distance of 69.24 feet to a point; thence with a bearing of South 01 degree 27'37" West, a distance of 40.00 feet to the Point of Beginning; thence with a bearing of South 88 degrees 32'23" East, along a line lying 40.00 feet South of and parallel to said South line of the Southeast 1/4 of Section 34, being the South right-of-way line of Lantana Road, a distance of 1589.85 feet to a point; thence with a bearing of South 28 degrees 30'38" East, a distance of 913.36 feet to a point lying on a line 35.00 feet North of and parallel to the North line of the Northeast 1/4 of Section 3, Township 45 South, Range 42 East; thence along said parallel line, being the North right-of-way line of Lake Worth Drainage District Lateral No. 16, with a bearing of South 89 degrees 11'43" West, a distance of 1555.61 feet to a point lying on a line 40.00 feet East of and parallel to the centerline of Jog Road and 25.00 feet East of and parallel to the West line of the aforesaid Lot 2; thence along said parallel line, being the Easterly right-of-way line of Jog Road, with a bearing of North 28 degrees 30'38" West, a distance of 984.33 feet, more or less, to the Point of Beginning.

Less the following described portion thereof:

Commencing at the South 1/4 corner of Section 34, Township 44 South, Range 42 East; thence with a bearing of South 88 degrees 32'23" East, along the South line of the Southeast 1/4 of said Section 34, a distance of 1374.09 feet to a point; thence with a bearing of South 01 degree 27'37" West, a distance of 40.00 feet to the Point of Beginning; thence with a bearing of South 88 degrees 32'23" East, along a line lying 40.00 feet South of and parallel to said South line of the Southeast 1/4 of Section 34, being the South right-of-way line of Lantana Road, a distance of 285.00 feet to a point; thence with a bearing of South 28 degrees 30'38" East, a distance of 913.36 feet to a point lying on a line 35.00 feet North of and parallel to the North line of the Northeast 1/4 of Section 3, Township 45 South, Range 42 East; thence along said parallel line, being the North right-of-way line of Lake Worth Drainage District Lateral No. 16,

with a bearing of South 89 degrees 11'43" West, a distance of 435.00 feet to a point; thence with a bearing of North 00 degree 48'17" West, a distance of 270.00 feet to a point; thence with a bearing of North 27 degrees 19'34" West, a distance of 614.58 feet, more or less, to the Point of Beginning. Said property located on the southeast corner of the intersection of Lantana West Road (S.R. 812) and Jog Road was denied as advertised.

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

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	NAY
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 23rd day of July confirming action of the 23rd May 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beauspie
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Payne
County Attorney