

RESOLUTION NO. R- 86-1118

RESOLUTION REPEALING RESOLUTION NO. R-85-303 AND RATIFYING RESOLUTION APPROVING ZONING PETITION 84-132, Rezoning

WHEREAS, Carteret Savings and Loan Association petitioned the Palm Beach County Board of County Commissioners sitting as the final zoning authority, on 1st of November 1984, for a Rezoning, from AR-Agricultural Residential District to CG-General Commercial District on a parcel of land located on the northeast corner of the intersection of Glades Road (S.R. 808) and Lyons Road; and

WHEREAS, the Board of County Commissioners, sitting as the final zoning authority denied the petition on November 1, 1984; and

WHEREAS, Resolution No. R-85-303, attached hereto, and make a part hereof, was adopted February 19, 1985, confirming the action of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners' denial of the petition was appealed to the Fifteenth Circuit Court; and

WHEREAS, the petition was remanded by Order of the Circuit Court with directions to the Board of County Commissioners to approve; and

WHEREAS, on October 30, 1985, the Board reconsidered and approved Petition No. 84-132 pursuant to the Circuit Court's direction, thereby repealing Resolution No. R-85-303;

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Palm Beach County, Florida, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Resolution No. R-85-303 is hereby repealed.
3. The repealed Resolution No. R-85-303 is hereby substituted with the following amended Resolution.

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. 84-132 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 31st October 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 the Order of the Circuit Court; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The proposal **is** consistent 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 31st of October 1985, that Petition No. 84-132 the petition of CARTERET SAVINGS & LOAN ASSOCIATION, **By** Robert Schmier, Agent, for the REZONING, FROM AR-AGRICULTURAL RESIDENTIAL DISTRICT TO CG-GENERAL COMMERCIAL DISTRICT on a portion of Tracts 48, 49, 50, 51, 52, 53, 54 and 55, Block 76, Palm Beach Farms Company, Plat No. 3, in Section 17, Township 47 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54 inclusive, Less the Right-of-way for Lyons Road as described in Official Record Book 2870, Page 1761, being more particularly described as follows:

Beginning at the Southeast corner of the above described parcel; thence West, a distance of 329.98 feet; thence South 13.00 feet; thence West 930.31 feet; thence North 40.00 feet; thence North 43 degrees 30'00" West, a distance of 36.27 feet to a point on the East Right-of-way line of Lyons Road, the last five courses described being coincident with the North Right-of-way line of Glades Road (S.R.808); thence North 03 degrees 00'00" East, a distance of 344.78 feet to the Point of Curvature of a circular curve to the left; thence Northerly, along the arc of said curve, having a radius of 3873.72 feet, an arc distance of 202.83 feet to the Point of Tangency;

thence North 539.79 feet, the last three courses described being coincident with said East Right-of-way line, said point being on the arc of a circular curve to the left, whose radius point bears North from the last described point; thence Easterly and Northerly, along the arc of said curve, having a radius of 30.00 feet, an arc distance of 29.55 feet; thence North 89 degrees 10'20" East, a distance of 241.60 feet to the Point of Curvature of a circular curve to the right; thence Easterly and Southerly, along the arc of said curve, having a radius of 140.00 feet, an arc distance of 175.90 feet to the Point of Reverse Curvature; thence Southeasterly, along the arc of said curve, having a radius of 315.00 feet, an arc distance of 161.91 feet to the Point of Reverse Curvature; thence Southerly, along the arc of said curve, having a radius of 60.00 feet, an arc distance of 44.02 feet to the Point of Reverse Curvature; thence Southeasterly, along the arc of said curve, having a radius of 400.00 feet, an arc distance of 251.31 feet to the Point of Reverse Curvature; thence Southerly, along the arc of said curve having a radius of 335.00 feet, an arc distance of 165.07 feet to the Point of Reverse Curvature; thence Southeasterly, along the arc of said curve, having a radius of 197.51 feet, an arc distance of 359.29 feet to the Point of Reverse Curvature; thence Easterly, along the arc of said curve, having a radius of 185.00 feet, an arc distance of 87.88 feet to the Point of Tangency; thence North 89 degrees 11'23" East, a distance of 207.46 feet to a point on the East line of the above described parcel; thence South, along said East line, a distance of 416.91 feet to the Point of Beginning.

Less the following described parcel:

Beginning at the Southeast corner of the above described parcel; thence West, a distance of 329.98 feet; thence South, a distance of 13.00 feet; thence West, a distance of 930.31 feet; thence North, a distance of 48.00 feet, thence West, a distance of 1.61 feet, the last five courses described being coincident with the North Right-of-way line of Glades Road (S.R.808); thence North, a distance of 12.69 feet, the last course described being coincident with the East Right-of-way line of Lyons Road; thence South 43 degrees 30'00"

East, a distance of **17.50** feet; thence East, a distance of **500.00** feet; thence South **88** degrees **51'15"** East, a distance of **400.08** feet; thence East, a distance of **349.86** feet; thence South, a distance of **27.00** feet to the Point of Beginning of this description.

Less the following described parcel:

Commencing at the Southeast corner of the above described parcel; thence West, a distance of **329.98** feet; thence South, a distance of **13.00** feet; thence West, a distance of **930.31** feet; thence North, a distance of **40.00** feet to the Point of Beginning of this description; thence North **43** degrees **30'00"** West, a distance of **36.27** feet to a point on the East Right-of-way line of Lyons Road; thence North **03** degrees **00'00"** East, a distance of **344.78** feet to the Point of Curvature of a circular curve to the left; thence Northerly, along the arc *of* said curve, having a radius of **3873.72** feet, an arc distance of **202.83** feet; thence North, a distance of **262.90** feet, the last five courses described being coincident with the East Right-of-way line of Lyons Road; thence South **01** degree **08'46"** East, a distance of **400.60** feet; thence South **03** degrees **00'00"** West, a distance of **400.00** feet; thence South **43** degrees **30'00"** East, a distance of **18.77** feet; thence South, a distance of **12.69** feet; thence East, a distance of **1.61** feet; thence South, a distance of **8.00** feet to the Point of Beginning of this description. Said lands situate, lying and being in Palm Beach County, Florida. Subject to all easements, reservations and Rights-of-way of record. Said property located on the northeast corner of the intersection of Glades Road (**S.R.808**) and Lyons Road was approved as advertised pursuant to the order of the Circuit Court.

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

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

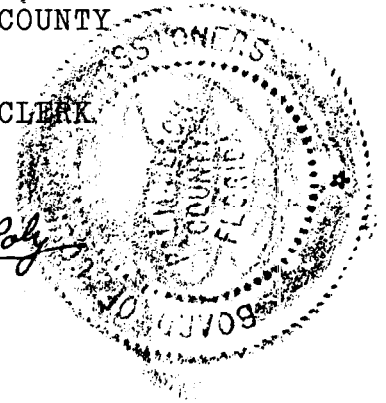
The foregoing resolution was declared duly passed and adopted

this 12th day of August 1986 confirming action of the 30th October 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara O'Polyn*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Sprague
County Attorney

RESOLUTION NO. R-85-303

RESOLUTION DENYING ZONING PETITION 84-132, Rezoning

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. 84-132 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 1st of November 1984; 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 is consistent 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 1st of November 1984, that Petition No. 84-132 the petition of CARTERET SAVINGS & LOAN ASSOCIATION, By Robert Schmier, Agent, for the REZONING, FROM AR-AGRICULTURAL RESIDENTIAL DISTRICT TO CG-GENERAL COMMERCIAL DISTRICT on Tracts 48, 49, 50, 51, 52, 53, 54 and 55, Block 76, Palm Beach Farms Company, Plat No. 3, in Section 17, Township 47 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54 inclusive, Less the Right-Of-Way for Lyons Road as described in Official Record Book 2870, Page 1761 being more particularly described as follows:

Beginning at the Southeast corner of the above described parcel; thence West, a distance of 329.98 feet; thence South 13.00 feet; thence West 930.31 feet; thence North 40.00 feet; thence North 43

degree 30'00" West, a distance of 36.27 feet to a point on the East Right-of-way line of Lyons Road, the last five courses described being coincident with the North Right-of-way line of Glade; Road (S.R.808); thence North 03 degree 00'00" East, a distance of 344.78 feet to the Point of Curvature of a circular curve to the left; thence Northerly, along the arc of said curve, having a radius of 3873.72 feet, an arc distance of 202.83 feet to the Point of Tangency; thence North 508.51 feet, the last three courses described being coincident with said East Right-of-way line, said point being on the arc of a circular curve to the left whose radius point bears North from the last described point, the last eight courses described being coincident with the South and West lines of the above described parcel; thence Northeasterly, along the arc of said curve, having a radius of 41.90 feet, an arc distance of 47.01 feet; thence North 89 degree 10'20" East, a distance of 228.67 feet to the Point of Curvature of a circular curve to the right; thence Southeasterly, along the arc of said curve, having a radius of 126.03 feet, an arc distance of 156.31 feet to the Point of Tangency; thence South 19 degree 45'55" East, a distance of 34.73 feet to the Point of Curvature of a circular curve to the left; thence Southeasterly, along the arc of said curve, having a radius of 198.27 feet, an arc distance of 97.96 feet to the Point of Tangency; thence South 48 degree 04'21" East, a distance of 56.59 feet to the Point of Curvature of a circular curve to the right; thence Southeasterly, along the arc of said curve, having a radius of 69.00 feet, an arc distance of 47.97 feet to the Point of Tangency; thence South 08 degree 14'30" East, a distance of 95.21 feet; thence South 24 degree 38'57" East, a distance of 71.51 feet; thence South 37 degree 24'55" East, a distance of 186.68 feet; thence South 07 degree 20'54" East, a distance of 89.52 feet to the Point of Curvature of a circular curve to the left; thence Southeasterly, along the arc of said curve, having a radius of 127.19 feet, an arc distance of 149.86 feet to the Point of Tangency; thence South 74 degree 51'23" East, a distance of 90.10 feet; thence South 88 degree 13'24" East, a distance of 64.38 feet; thence North 76 degree 00'40" East, a distance of 61.91 feet;

thence North 69 degree 28'43" East, a distance of 64.88 feet; thence North 88 degree 31'28" East, a distance of 211.57 feet to a point on the East line of the above described parcel; thence South, along said East line, a distance of 408.09 feet to the Point of Beginning of this description.

Less the following described parcel:

Beginning at the Southeast corner of the above described parcel; thence West, a distance of 329.98 feet; thence South, a distance of 13.00 feet; thence West, a distance of 930.31 feet; thence North, a distance of 40.00 feet, the last four courses described being coincident with the North Right-of-way line of Glades Road (S.F.808); thence East, a distance of 1260.92 feet to the Point of Beginning of this description.

Less the following described parcel:

Commencing at the Southeast corner of the above described parcel; thence West, a distance of 329.98 feet; thence South, a distance of 13.00 feet; thence West, a distance of 930.31 feet; thence North, a distance of 40.00 feet, the last four courses described being coincident with the North Right-of-way line of Glades Road (S.R.808) to the Point of Beginning of this description; thence North 43 degree 30'00" West', a distance of 36.27 feet to a point on the East Right-of-way line of Lyons Road; thence North 03 degree 00'00" East, a distance of 344.78 feet to the Point of Curvature of a Circular curve to the left; thence Northerly, along the arc of said curve, having radius of 3873.92 feet, an arc distance of 202.83 feet to the Point of Tangency, the last three courses described being coincident with the East Right-of-way line of said Lyons Road; thence South, a distance of 573.36 feet; thence West, a distance of 1.61 feet to the Point of Beginning of this description. Said property located on the northeast corner of the intersection of Glades Road (S.R.808) and Lyons Road was denied as advertised with prejudice.

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

Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	NAY
Bill Bailey, Member	--	NAY

The foregoing resolution was declared duly passed and adopted
this day of , FEB 19 1985 confirming action of the 1st of
November 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Weaver
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Randy Sprague
County Attorney