

RESOLUTION NO. R-89-897

RESOLUTION DENYING ZONING PETITION NO. 87-139
SPECIAL EXCEPTION PETITION OF MARTIN L. COYNE, INC.

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. 87-139 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 28, 1988, and

WHEREAS, the Board of County Commissioners, pursuant to the criteria set forth in the Zoning Code of Palm Beach County, Florida, Sections 102, 200.2 (Special Exception) 402.2, 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 not consistent with the requirements of the Comprehensive Plan and local land development regulations.
2. This special exception creates an intensive commercial use which is not compatible with the surrounding residential area.
3. This proposal would generate additional traffic problems.
4. This proposal is adverse to the public welfare.
5. This proposal does not promote the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-139, the petition of MARTIN L. COYNE, INC., by John W. Newman, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT INCLUDING 1) AN AUTO AND PAINT BODY SHOP; 2) AN AUTO SERVICE STATION (WITHOUT GASOLINE PUMP ISLAND FACILITIES)

WITH ACCESSORY MECHANICAL REPAIR; AND 3) A CAR WASH (SELF SERVICE AND AUTOMATIC), on a parcel of land lying in portions of Lots 12 and 34, Block 82, PALM BEACH FARMS PLAT NO. 3, Section 31, Township 47 South, Range 42 East, as recorded in Plat Book 2, Page 39, TOGETHER WITH that certain 30 foot road reservation lying between said Lots 12 and 34, and being all more fully described as follows:

Commencing at the intersection of the centerline of Southwest 66th Avenue and the centerline of Southwest 19th Street as shown on the plat of Sandalfoot Cove Section One, recorded in Plat Book 28, Pages 225 and 226; thence South 89 degrees 05' 05" West along the said centerline of Southwest 19th Street a distance of 896.452 feet to a point on the East line of the West 45.00 feet of said Lot 12; thence South 01 degrees 37' 51" East along the said East line a distance of 50.00 feet to a point on the South right of way line of said Southwest 19th Street and the Point of Beginning. Thence continuing South 01 degrees 37' 51" East along the said East line of the West 45.00 feet of Lot 12 and along the East line of the West 45.00 feet of said Lot 34 and extensions thereof, a distance of 376.694 feet; thence North 89 degrees 05' 05" East a distance of 343.461 feet; thence North 0 degrees 54' 55" West a distance of 30.00 feet; thence North 0 degrees 05' 05" East a distance of 42.426 feet; thence North 0 degrees 54' 55" West a distance of 101.663 feet; thence South 89 degrees 05' 05" West a distance of 30.00 feet; thence North 00 degrees 54' 55" West a distance of 215.00 feet to a point on the said South right of way line of Southwest 19th Street; thence South 89 degrees 05' 05" West along the said South right of way line a distance of 350.156 feet to the POINT OF BEGINNING, located on the southeast corner of the intersection of State Road 7 (U.S. 441), and Southwest 19th Street (Marina Boulevard), was denied, with prejudice.

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

Carol A. Roberts	--	Nay
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Absent

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of January 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:

Barbara Altman
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

June J. Hardy
DEPUTY CLERK