

RESOLUTION NO. R-90-2151

RESOLUTION DENYING THE SPECIAL EXCEPTION OF
ZONING PETITION NO. 80-114(C)
PETITION OF BOCA DEVELOPMENT ASSOCIATES, LTD.

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 have been satisfied; and

WHEREAS, Petition No. 80-114(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 30, 1990; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, pursuant to the Zoning Code of Palm Beach County, Florida, Sections 102, 402.5 and 200.2 (Special Exception), 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, sitting as the Zoning Authority, 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 proposal is not consistent with the present and future development of the area and not an appropriate use in this location.
3. This proposal is injurious to the public health, safety and welfare.
4. The out of court settlement allowed for retail and office space. No provisions or agreement was made as to special exception uses which would intensify the use of this land.
5. The petitioner had reasonable use of its land with the first approval and agreed to all conditions of approval associated with that approval. To later permit (unnecessary) changes to that approval is not in the best interest of Palm Beach County.
6. This special exception proposal is adverse to the public interest.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 80-114(C), the petition of BOCA DEVELOPMENT ASSOC., LTD., BY F. MARTIN PERRY, AGENT, for a SPECIAL EXCEPTION to AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT TO INCLUDE A CONVENIENCE STORE WITH

GASOLINE STATION AND CAR WASH on a parcel of land lying in the Southeast 1/4 of Section 24, Township 47 South, Range 41 East; Commencing at the South 1/4 of said Section; Thence North 89 degrees 59'54" East, along the Southerly boundary of said Section, 2082.11 feet to the POINT OF BEGINNING of the herein described parcel; Thence continue along the previous course, 464.51 feet to a point of intersection with the existing Westerly right-of-way line of State Road 7; Thence North 01 degree 58'47" East, along said West line, 2323.00 feet to a point; Thence North 87 degrees 52'30" West, 854.73 feet to a point; Thence South 01 degree 52'11" West, 1314.00 feet to a point of curve to the left, having a radius of 839.35 feet; Thence run Southerly along said curve, through an angle of 38 degrees 00'26", an arc length of 556.78 feet to a point of reverse curve to the right having a radius of 839.35 feet; Thence run Southerly along said curve through an angle of 30 degrees 51'02", 451.94 feet to a point of intersection with the existing Northerly right-of-way of Palmetto Park Road; Thence North 89 degrees 59'54" East, 30.12 feet to a point on a curve to the right having a radius of 869.35 feet; Thence from a tangent bearing South 05 degrees 06'14" East, run Southerly along said curve, through an angle of 06 degrees 35'51", an arc distance of 100.10 feet to the POINT OF BEGINNING; Less the rights-of-way for Palmetto Park Road and State Road 7 (U.S. 441), and less a triangular parcel for sight distance, being 25.00 feet along the rights-of-way of Palmetto Park Road and State Road 7 (U.S. 441) and being located on the N.W. CORNER OF THE INTERSECTION OF U.S. 441 AND PALMETTO PARK ROAD. BOUNDED ON THE WEST BY EL BOSQUE WAY, IN THE CG-GENERAL COMMERCIAL ZONING DISTRICT was denied on April 30, 1990, with prejudice.

Commissioner Elmquist moved for approval of the Resolution.

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

Karen T. Marcus, Chair	-- Aye
Carole Phillips, Vice Chair	-- Aye
Carol A. Roberts	-- Absent
Carol J. Elmquist	-- Aye
Mary McCarty	-- Aye
Ken Foster	-- Aye
Maude F. Lee	-- Aye

The Chair thereupon declared the resolution was duly passed and adopted this 11th day of December, 1990.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Paulina Altman*
COUNTY ATTORNEY

BY: *Jana M. [Signature]*
DEPUTY CLERK

