

## RESOLUTION NO. R-91- 138 (A)

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DENYING ZONING PETITION NO. 90-37, THE PETITION OF W.L. AND DOROTHY I. WILKERSON, BY ALAN J. CIKLIN, AGENT, FOR A SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT TO INCLUDE A CONVENIENCE STORE WITH GAS STATION AND A CAR WASH

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. 90-37 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 27, 1990; and

WHEREAS, Petition No. 90-37 requests approval of a Special Exception for a Planned Commercial Development to include a convenience store with gas station and a car wash; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, pursuant to the Zoning Code of Palm Beach County, Florida, Sections 102, and 200.2 (Special Exception) 402.5, Board of County Commissioners Zoning Authority, 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. The property which is the subject of this zoning petition is designated Commercial High Intensity (CH) on the 1989 Comprehensive Plan land Use Atlas.
2. The Board of County Commissioners sitting as the Zoning Authority approved rezoning of subject property from AR-Agricultural Residential Zoning District to CN-Neighborhood Commercial Zoning District.
3. There is no special exception in the CN-Neighborhood Commercial Zoning District for a service station.
4. This proposal is not consistent with the requirements of the Palm Beach County Zoning Code.

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 the property contained in Petition NO. 90-37, the petition of W.L. AND DOROTHY I. WILKERSON, BY ALAN J. CIKLIN, AGENT, on a parcel of land lying

on a portion of Tract 1, Block 22, of "Palm Beach Farms Company Plat No. 3", Section 22, Township 44 South, Range 42 East, Plat Book 2, Page 47. Commencing at the North 1/4 corner of said Section 22; Thence run South 02 degrees 07'07" W along the center section line of said Section 2 for a distance of 1,062.04 feet to a point that is 220.00 feet North as measured at right angles from the South line of said Tract 1; Thence run South 89 degrees 01'35" W for a distance of 40.06 feet to a point on the West right-of-way line of Jog Road, said point also the Point of Beginning of a parcel of land hereinafter described; Thence run South 89 degrees 01'35" West along a line that is 220.00 feet North of and parallel to the South line of said Tract 1 for a distance of 407.83 feet to a point on the West line of said Tract 1; Thence run North 00 degrees 27'32" East along the West line of said Tract 1 for a distance of 195.52 feet to a point on the South right-of-way line of 10th Avenue North, Official Record Book 4758, Pages 0515 through 0518; Thence run South 89 degrees 00'41" East along the said South right-of-way line for a distance of 387.48 feet to a point; Thence run South 43 degrees 26'47" East for a distance of 35.70 feet to a point on the West right-of-way line of Jog Road; Thence run South 02'07'07" West along the said West right-of-way line for a distance of 156.08 feet to the Point of Beginning being located on the southwest corner of the intersection of Jog Road and 10th Avenue North in a CN-Neighborhood Commercial Zoning District was denied on September 27, 1990.

Commissioner McCarty moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarthy	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

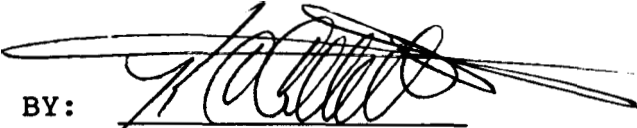
The Chair thereupon declared the resolution was duly passed and adopted this 29th day of January, 1991.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK