

RESOLUTION NO. R-92-1114

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 90-17/21
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-90-1447
WHICH APPROVED THE SPECIAL EXCEPTION OF
ROBERT F. STANDRING AND LAWRENCE J. GABRIEL
PETITION NO. 90-17

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 402.6 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, pursuant to Section 402.6, Status Report was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at a public hearing conducted on July 25, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has reviewed Status Report and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 402.6 of the Palm Beach County Zoning Code authorizes the Board of County Commissioners, sitting as the Zoning Authority, to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations; and
2. The Palm Beach County Engineering Department has determined that Condition number 21 of Resolution R-90-1447 is not needed.

WHEREAS, Section 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 recommendation of Status Report No. CR 90-17/21, amending Conditions of Approval of Resolution No. R-90-1447, the Special Exception of Robert F. Standring and Lawrence J. Gabriel, Petition No. 90-17, to permit a large scale community shopping center in excess of 50,000 square feet including an auto service station and car wash. on a parcel of land lying in Section 28, Township 45 South, Range 42 East, and being Tracts 6, 7, and 8 of Block 55 of the Plat of Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, Pages 45 through 54, less and except the following four (4) parcels:

- (1) The South 365.00 feet of the West 100.00 feet of the East 1/2 of Tract 7, Block 45.
- (2) The South 275.00 feet of the East 1/4 of Tract 7, Block 55.
- (3) The South 275.00 feet of the East 47.5 feet of Tract 7, Block 55.
- (4) The South 318.64 feet of the East 3/4 of Tract 6, Block 55.

All of Palm Beach Farms Company Plat No. 3, less reservations, restrictions, easements, and rights-of-way of record. Said parcel of land, having been surveyed, being more particularly described as follows:

From the Centerline intersection of Boynton Road (an 80.00 foot road right-of-way) and Hagen Ranch Road, (an 80.00 foot road right-of-way) run South 00 degrees 00'00" West along the centerline of Hagen Ranch Road, a distance of 115.00 feet, thence North 89 degrees 27'00" East, a distance of 40.00 feet to the POINT OF BEGINNING.

Continue thence North 89 degrees 27'00" East along the South line of the Lake Worth Drainage District L-24 Canal right-of-way, a distance of 304.52 feet; Thence North 00 degrees 00'00" East, a distance of 15.00 feet; Thence North 89 degrees 27'00" East, a distance of 164.75 feet; Thence South 00 Degrees 00'00" West, a distance of 15.00 feet; Thence North 89 degrees 27'00" East, a distance of 494.21 feet; Thence leaving said right-of-way line run South 00 degrees 00'00" West, along the East line of said Tract 6, a distance of 406.14 feet; Thence South 90 degrees 00'00" West along the North line of the South 318.64 feet of Tract 6, a distance of 247.10 feet; Thence South 00 degrees 00'00" West along the East line of the West 1/4 of Tract 6, a distance of 43.64 feet; Thence South 90 degrees 00'00" West along the North line of the South 275.00 feet of Tracts 6 and 7, a distance of 147.08 feet; Thence North 00 degrees 00'00" along the East line of the West 100.00 feet of the East 1/2 of said Tract 7, a distance of 90.00 feet; Thence South 90 degrees 00'00" West, along the North line of the South 365.00 feet of Tract 7, a distance of 100.00 feet; Thence South 00 degrees 00'00" West along the East line of the West 1/2 of Tract 7, a distance of 365.00 feet; Thence South 90 degrees 00'00" West along the South line of Tracts 7 and 8, a distance of 469.25 feet; Thence North 00 degrees 00'00" East along the Easterly line of Hagen Ranch Road (an 80.00 foot road right-of-way), a distance of 715.53 to the POINT OF BEGINNING, being located approximately 100 feet south of Boynton Beach Boulevard, approximately 500 feet east of Hagen Ranch Road, in a CC-Community Commercial Zoning District, is approved, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition number 21 of Resolution number R-90-1447 which states:

Prior to December 1, 1990, or prior to the issuance of the first building permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for any additional right-of-way required for the expanded intersection at Boynton Beach Boulevard and Hagen Ranch Road, free of all encumbrances and encroachments on an alignment approved by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "safe sight corners" where appropriate at intersections as determined by the County Engineer,

is hereby deleted.

Commissioner Roberts
Resolution.

moved for approval of the

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

KAREN T. MARCUS, CHAIR	--	Aye
CAROL J. ELMQUIST	--	Aye
CAROL ROBERTS	--	Aye
CAROLE PHILLIPS	--	Aye
MARY MCCARTY	--	Absent
KEN FOSTER	--	Aye
MAUDE FORD LEE	--	Aye

The Chair thereupon declared the resolution was duly passed
and adopted this 18th day of August, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA...
BY ITS BOARD OF COUNTY...
COMMISSIONERS

MILTON T. BAUER, CLERK

BY:

Bauer

BY:

Robert Johnson