

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 85-122A.3
TO REVOKE THE SPECIAL EXCEPTION
FOR PROPERTY PREVIOUSLY GRANTED A SPECIAL EXCEPTION BY
RESOLUTION NO. R-86-573-7
APPROVING THE PETITION OF
JAMES S. AND FLORENCE H. DUDLEY, AND
RESOLUTION NO. R-89-1045
APPROVING THE PETITION OF RPM PARTNERS
PETITION NO. 85-122(A)

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: and

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied: and

WHEREAS, pursuant to Section 5.8, Status Report SR 85-122A.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on December 6, 1993; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 85-122A.3 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; **and**

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to revoke Special Exceptions: and

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

1. The current approval which allows an auto service station is not consistent with the Comprehensive Plan.
2. The property owner has not documented any development related activities since the last time extension was approved.

WHEREAS, Section 5.3 of the Land Development Code requires that the action of the Board of County Commissioners 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. SR 85-122A.3, to revoke the Special Exception previously granted by the approval **of** the petition of James S. and Florence H. Dudley, Petition No. 85-122, confirmed by the adoption **of** Resolution R-86-573-7 which approved a Planned Commercial Development, **and to** revoke the Special Exception previously granted by the approval **of** the petition of RPM Partners, Petition No. 85-122(A) confirmed by the adoption of Resolutions R-89-1045, which amended the site plan for a Planned Commercial Development (PCD) to permit an auto service station, on property commencing at the Northwest corner of Section 9, Township 45 South, Range 43 East: thence South 88 degrees 53' 16" East along **the** North line **of** Section 9, said line also being the centerline **of** Hypoluxo Road as shown **on** the Right-of-way map **of** SR 9 (I-95), Section 93220-2412, and all bearings stated herein are relative to said Right-of-way map, 200.2 feet; thence South 02 degrees 15' 15"

West along a line that is 200.16 feet East of (as measured at tight angles) and parallel with the West line of said Section 9, said West line also being the centerline of High Ridge Road, 53.01 feet to the Point of Beginning: thence continuing South 02 degrees 15' 15" West, 137.00 feet; thence South 88 degrees 53' 16" East, parallel with the North line of said Section 9, 75.00 feet: thence North 02 degrees 15' 15" East, parallel with the West line of said Section 9, 137.00 feet to the Southerly Right-of-way line of Hypoluxo Road: thence North 88 degrees 53' 16" West along said Southerly Right-of-way line, 75.00 feet to the Point of Beginning.

Together with the following described parcel:

Commencing at the Northwest corner of Section 9, Township 45 South, Range 43 East; thence South 88 degrees 53' 16" East along the North line of Section 9, said line also being the centerline of Hypoluxo Road as shown on the Right-of-way map of SR 9 (I-95), Section 93220-2412, and all bearings stated herein are relative to said Right-of-way map, 275.2 feet: thence South 02 degrees 15' 15" West along a line that is 275.15 feet East of (as measured at right angles) and parallel with the West line of said Section 9, said West line also being the centerline of High Ridge Road, 53.01 feet to the Point of Beginning: thence continuing South 02 degrees 15' 15" West, 137.00 feet; thence South 88 degrees 53' 16" East, parallel with the North line of said Section 9, 75.00 feet; thence North 02 degrees 15' 15" East, parallel with the West line of said Section 9, 134.95 feet to the Southerly Right-of-way line of Hypoluxo Road: thence North 81 degrees 51' 25" West along said Right-of-way line, 16.75 feet to a point on the Southerly Right-of-Way line of Hypoluxo Road, said line being 53.00 feet South of (as measured at right angles) and parallel with the North line of said Section 9: thence North 88 degrees 53' 16" West continuing along said Right-of-way line, 58.33 feet to the Point of Beginning.

Portions of above described parcels also being described in deeds recorded in the Official Records Book, No. 836, Page 610, and Official Records Book No. 979, Page 298, being located on the south side of Hypoluxo Road, approximately 150 feet east of High Ridge Road, in the CG-General Commercial Zoning District, is approved.

Commissioner Foster moved for approval of the Resolution.

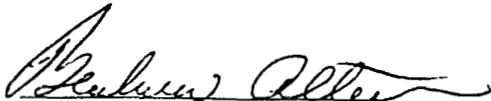
The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

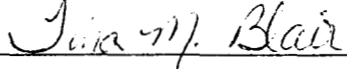
MARY MCCARTY, CHAIR	--	Aye
BURT AARONSON	--	Aye
KEN FOSTER	--	Aye
MAUDE FORD LEE	--	Aye
KAREN T. MARCUS	--	Absent
WARREN H. NEWELL	--	Absent
CAROL ROBERTS	--	Aye

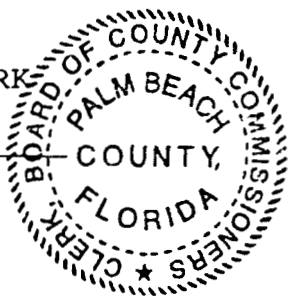
The Chair thereupon declared the resolution was duly passed and adopted this 6th day of December, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK



RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 85-122A.3
TO REZONE PROPERTY PREVIOUSLY REZONED BY
RESOLUTION NO. R-86-573-6
APPROVING THE PETITION OF JAMES S. AND FLORENCE H. DUDLEY
PETITION NO. 85-122

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; and

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 85-122A.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on December 6, 1993; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 85-122A.3 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Land Development Code authorizes the Board of County Commissioners to rezone property; and

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

1. The existing CG-General Commercial District is not consistent with the Comprehensive Plan.
2. The CC-Community Commercial District is consistent with the Comprehensive Plan.
3. The property owner has not documented any development related activities since the last time extension was approved.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners 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. SR 85-122A.3, to rezone the property to the CN-Community Commercial Zoning District, which was previously rezoned to the CG-General Commercial Zoning District by the approval of the petition of James S. and Florence H. Dudley, Petition No. 85-122, confirmed by the adoption of Resolution R-86-573-6, on property commencing at the Northwest corner of Section 9, Township 10 South, Range 43 East; thence South 88 degrees 53' 16" East along the North line of Section 9, said line also being the centerline of Hypoluxo Road as shown on the Right-of-way map of SR 9 (I-95), Section 93220-2412, and all bearings stated herein are relative to said Right-of-way map, 200.2 feet: thence South 02 degrees 15' 15" West along a line that is 200.16 feet East of (as measured at tight angles) and parallel with the West line of said Section 9, said West line also being the centerline of High Ridge Road, 53.01 feet to the Point of Beginning; thence continuing South 02 degrees 15' 15" West, 137.00 feet; thence South 88 degrees 53' 16" East, parallel with the North line of said Section 9, 75.00 feet; thence North 02 degrees 15' 15" East, parallel with the West line of said Section 9, 137.00 feet to the Southerly Right-of-way

line of Hypoluxo Road: thence North 88 degrees 53' 16" West along said Southerly Right-of-way line, 75.00 feet to the Point of Beginning.

Together with the following described parcel:

Commencing at the Northwest corner of Section 9, Township 45 South, Range 43 East: thence South 88 degrees 53' 16" East along the North line of Section 9, said line also being the centerline of Hypoluxo Road as shown on the Right-of-way map of SR 9 (I-95), Section 93220-2412, and all bearings stated herein are relative to said Right-of-way map, 275.2 feet; thence South 02 degrees 15' 15" West along a line that is 275.15 feet East of (as measured at right angles) and parallel with the West line of said Section 9, said West line also being the centerline of High Ridge Road, 53.01 feet to the Point of Beginning: thence continuing South 02 degrees 15' 15" West, 137.00 feet: thence South 88 degrees 53' 16" East, parallel with the North line of said Section 9, 75.00 feet: thence North 02 degrees 15' 15" East, parallel with the West line of said Section 9, 134.95 feet to the Southerly Right-of-way line of Hypoluxo Road: thence North 81 degrees 51' 25" West along said Right-of-way line, 16.75 feet to a point on the Southerly Right-of-Way line of Hypoluxo Road, said line being 53.00 feet South of (as measured at right angles) and parallel with the North line of said Section 9; thence North 88 degrees 53' 16" West continuing along said Right-of-way line, 58.33 feet to the Point of Beginning.

Portions of above described parcels also being described in deeds recorded in the Official Records Book, No. 836, Page 610, and Official Records Book No. 979, Page 298, being located on the south side of Hypoluxo Road, approximately 150 feet east of High Ridge Road, is approved,

Commissioner Foster moved for approval of the Resolution.

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

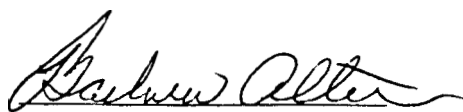
MARY MCCARTY, CHAIR	--	Aye
BURT AARONSON	--	Aye
KEN FOSTER	--	Aye
MAUDE FORD LEE	--	Aye
KAREN T. MARCUS	--	Absent
WARREN H. NEWELL	--	Absent
CAROL ROBERTS	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 6th day of December, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

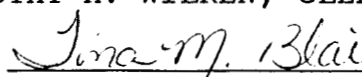
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:



DOROTHY H. WILKEN, CLERK

BY:



DEPUTY CLERK

