

RESOLUTION NO. R-94- 955

RESOLUTION APPROVING ZONING PETITION **CA94-03**
CLASS A CONDITIONAL USE
PETITION OF JOAN W. **KABLER**

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition **CA94-03** was presented to the Board of County Commissioners at a public hearing conducted on July 28, 1994; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Zoning Petition **CA94-03**, the petition of Joan W. Kabler, by: Kent Wilmering, AGENT for a CLASS A CONDITIONAL USE allowing a restaurant, fast food, with drive-through in the General Commercial (CG) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 28, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

The motion was seconded by Commissioner Foster 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	--	Aye
Warren Newell	--	Absent
Carol A. Roberts	--	Aye


The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of July, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

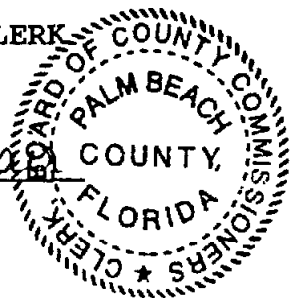


EXHIBIT A
LEGAL DESCRIPTION

PARCEL 3:

THAT PART OF THE WEST HALF (W.1/2) OF THE NORTHWEST QUARTER (N.W.1/4) OF THE NORTHWEST QUARTER (N.W.1/4) OF THE NORTHEAST QUARTER (N.E.1/4) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 47 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (N.E.1/4) OF SAID SECTION 27; THENCE N.89°23'49"E., ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER (N.E.1/4) OF SECTION 27, 56.00; THENCE S.0°08'04"E., ALONG A LINE 56.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SAID NORTHEAST QUARTER (N.E.1/4) OF SECTION 27, 360.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.0°08'04"E., 3.03 FEET; THENCE S.3°31'39"W, 250.51 FEET; THENCE S.0°08'04"E., 51.95 FEET TO THE SOUTH LINE OF THE SAID WEST HALF (W.1/2) OF THE NORTHWEST QUARTER (N.W.1/4) OF THE NORTHWEST QUARTER (N.W.1/4) OF THE NORTHEAST QUARTER (N.E.1/4) OF SECTION 27; THENCE N.89°30'45"E., ALONG SAID SOUTH LINE, 292.29 FEET TO THE EAST LINE OF THE SAID WEST HALF (W.1/2) OF THE NORTHWEST QUARTER (N.W.1/4) OF THE NORTHWEST QUARTER (N.W.1/4) OF THE NORTHEAST QUARTER (N.E.1/4) OF SECTION 27; THENCE N.0°09'20"W., ALONG SAID EAST LINE, 303.18 FEET; THENCE S.89°51'56"W., 276.17 FEET TO THE SAID POINT OF BEGINNING.

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