RESOLUTION NO. R-78-1274

RESOLUTION APPROVING ZONING PETITION

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 78-214 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25 September 1978.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMIS-SIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the day of September, 1978 78-214 the petition of ROAST BEEFERY RESTAURANT INTERNATIONAL, No. INC., by John W. Ewseychik, Jr., Agent, for the REZONING, FROM RM-RESIDENTIAL MULTIPLE FAMILY DISTRICT (MEDIUM DENSITY) TO CG-GENERAL COMMERCIAL DISTRICT on the South 1/2 of Tract 6, Block, 1, Section 12, Township 44 South, Range 42 East, less the North 165 feet thereof and less the East 1022.1 feet thereof and less the right-of-way for Military Trail all as shown on Plat No. 1 of Palm Beach Plantation recorded in Plat Book 10, page 20, subject to an easement for ingress and egress across the North 10 feet of subject parcel per Official Record Book 1458, page 365, less the Western 250 feet AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A RESTAURANT WITH A DRIVE-IN WINDOW FACILITY on the South 1/2 of Tract 6, Block 1, Section 12, Township 44 South, Range 42 East, less the North 165 feet thereof and less the East 1022.1 feet thereof and less the right-of-way for Military Trail, all as shown on Plat No. 1 of Palm Beach Plantation,

as recorded in Plat Book 10, page 20, subject to an easement for ingress and egress across the North 10 feet of subject parcel per Official Record Book 1458, page 365. Said property located on the east side of Military Trail (S.R. 809), approximately .2 mile north of Forest Hill Boulevard, was approved as advertised subject to the following conditions:

- 1. Within ninety (90) days of the Special Exception approval, petitioner shall convey to Palm Beach County thirty (30) feet from the centerline of 14th Road South for the ultimate right-of-way.
- 2. Within ninety (90) days of the Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet from the centerline of Military Trail for the ultimate right-of-way.
- 3. Petitioner shall construct a total of twenty (20) feet of paving on 14th Road South from Military Trail to the east property line.
- 4. Petitioner shall obtain approval from the Lake Worth Drainage District to use the drainage easement for parking.
- 5. Petitioner shall provide the South 20.0 feet of the subject parcel for the required right-of-way of Lateral Canal No. 7. If negotiations currently underway to enclose the canal with culvert in order to allow a smaller right-of-way should fail, the Lake Worth Drainage District will require the above stated twenty (20) feet. Any right-of-way firally agreed upon shall be given by a Quit Claim Deed or an Easement Agreement, whichever the petitioner prefers.

Commissioner Koehler , moved for approval of the petition.

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

Peggy Evatt, Chairman
Bill Bailey, Vice Chairman
Lake Lytal
William Medlen
Dennis Koehler

Yes
Yes
Yes

The foregoing resolution was declared duly passed and adopted this 10th day of . October , 1978, confirming action of 25 September 1978,

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, Clerk

Deputy Clerk

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APPROVE AS TO FORM AND LEGAL SUFFICIENCY

County Attorney