

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, 78-191 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26 October 1978.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 26th day of October, 1978, that petition No, 78-191 the petition of HOWARD JOHNSON INC. OF FLORIDA, LOUIS B. BILLS, F. TED BROWN, JR., CAMPBELL GILLESPIE and OCEAN DRIVE CORPORATION, by James McC. Wearn, Attorney, for the REZONING, FROM CN-NEIGHBORHOOD COMMERCIAL DISTRICT TO CG-GENERAL COMMERCIAL DISTRICT AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A MOTEL AND ACCESSORY USES on a portion of New Palm Beach Heights in Section 28, Township 41 South, Range 43 East as recorded in Plat Book 6, page 73, more particularly described as follows: Beginning at the Northeast corner of Lot 1, Block 6, said New Palm Beach Heights; thence run South $21^{\circ}53'55''$ East along the Easterly line of Block 6, a distance of 74.67 feet to the intersection of said Easterly line of Block 6 with the North-South quarter section line of Section 28, Township 41 South, Range 43 East; thence run South $1^{\circ}11'47''$ West along said quarter section line, a distance of 254.30 feet to a point on the South line of Lot 7, Block 6, New Palm Beach Heights; thence run North $87^{\circ}25'15''$ West,

a distance of 40.40 feet; thence run South $21^{\circ}53'55''$ East, a distance of 100 feet; thence run North $87^{\circ}25'15''$ West, a distance of 382.90 feet to a point on the Easterly right-of-way line of State Road No. 5; thence run North $14^{\circ}53'05''$ West along said Easterly right-of-way, a distance of 434.13 feet to the Southerly right-of-way line of Donald Ross Road; thence run South $87^{\circ}25'15''$ East along said Southerly right-of-way line, a distance of 474.67 feet to the Point of Beginning. Said property located on the southeast corner of the intersection of Donald Ross Road and U.S. #1 (S.R. 5), was approved as amended per the petitioner's request, for the REZONING, FROM CN-NEIGHBORHOOD COMMERCIAL DISTRICT TO CG-GENERAL COMMERCIAL DISTRICT of a portion of New Palm Beach Heights, in Section 28, Township 41 South, Range 43 East, as recorded in Plat Book 6, page 73, more particularly described as follows: Commencing at the Northeast corner of Lot 1, Block 6, said New Palm Beach Heights; thence run North $87^{\circ}25'15''$ West, along the Southerly right-of-way line of Donald Ross Road, a distance of 274.67 feet to the Point of Beginning; thence continue North $87^{\circ}25'15''$ West, 200.00 feet to the Easterly right-of-way of State Road No. 5; thence run South $14^{\circ}53'05''$ East, 199.98 feet; thence run South $87^{\circ}25'15''$ East, 200.00 feet; thence run North $14^{\circ}50'45''$ West, 199.98 feet to the Point of Beginning, containing 0.876 Acres, more or less; together with the REZONING, FROM CN-NEIGHBORHOOD COMMERCIAL DISTRICT TO CS-SPECIALIZED COMMERCIAL DISTRICT of a portion of New Palm Beach Heights, in Section 28, Township 41 South, Range 43 East, as recorded in Plat Book 6, page 73, more particularly described as follows: beginning at the Northeast corner of Lot 1, Block 6, of said NEW PALM BEACH HEIGHTS, run South $21^{\circ}53'55''$ East, along the Easterly line of said Block 6, a distance of 74.67 feet to the intersection of said Easterly line of Block 6 with the North-South quarter section line of Section 28, Township 41 South, Range 43 East; thence run South $1^{\circ}11'47''$ West, along said Quarter Section Line, a distance of 254.30 feet to a point on the South Line of Lot 7, Block 6, New Palm Beach Heights; thence run North $87^{\circ}25'15''$ West, a distance of 40.40 feet; thence run South $21^{\circ}53'55''$ East, a distance of 100 feet; thence run North $87^{\circ}25'15''$ West, a distance of 382.90 feet to the Easterly right-of-way

line of State Road No. 5 (U.S. Highway No. 1); thence run North $14^{\circ}53'05''$ West, along said Easterly right-of-way line a distance of 234.25 feet; thence run South $87^{\circ}25'15''$ East, a distance of 200.00 feet; thence North $14^{\circ}53'05''$ West, a distance of 199.98 feet to the South right-of-way line of Donald Ross Road; thence run South $87^{\circ}25'15''$ East, along the South right-of-way line of said Donald Ross Road, a distance of 274.96 feet to the Point of Beginning, containing 3.286 acres, more or less; AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A MOTEL AND ACCESSORY USES on a portion of New Palm Beach Heights, in Section 28, Township 41 South, Range 43 East, as recorded in Plat Book 6, page 73, more particularly described as follows: commencing at the Northeast corner of Lot 1, Block 6, said NEW PALM BEACH HEIGHTS; thence run South $21^{\circ}53'55''$ East along the Easterly line of Block 6, a distance of 74.67 feet to the intersection of said Easterly line of Block 6 with the North-South quarter section line of Section 28, Township 41 South, Range 43 East; thence run South $1^{\circ}11'47''$ West along said quarter section line, a distance of 254.30 feet to a point on the South line of Lot 7, Block 6, New Palm Beach Heights; thence run North $87^{\circ}25'15''$ West, a distance of 40.4 feet; thence run South $21^{\circ}53'55''$ East, a distance of 100 feet; thence run North $87^{\circ}25'15''$ West, a distance of 62.00 feet to the Point of Beginning; thence from the Point of Beginning run North $02^{\circ}34'45''$ East a distance of 112.50 feet; thence run North $87^{\circ}25'15''$ West a distance of 20.90 feet; thence run North $07^{\circ}48'59''$ West a distance of 90.76 feet to the Point of Curvature of a curve concave Southwest and having a radius of 55.21 feet; thence run along the arc of said curve in a Northwesterly direction through a Central Angle of $79^{\circ}36'16''$ a distance of 76.70 feet to the Point of Tangency of said curve; thence run North $87^{\circ}25'15''$ West a distance of 107.87 feet; thence run South $14^{\circ}50'45''$ East a distance of 24.74 feet; thence North $87^{\circ}25'15''$ West a distance of 200.00 feet to the Easterly right-of-way line of State Road No. 5 (U.S. Highway No. 1); thence run South $14^{\circ}53'05''$ East along said Easterly right-of-way line a distance of 234.25 feet; thence run South $87^{\circ}25'15''$ East a distance of 320.90 feet to the Point of Beginning, containing 1.826 acres, more or less; subject to the following special condition:

1. Petitioner shall construct additional drainage improvements as shown on Exhibit No. 10, "Drainage Improvements to Howard Johnson Motor Lodge", in three (3) sheets, prepared by Robert E. Owen E Associates, Inc., on file in the office of the Director, Department of Planning, Zoning and Building.

Commissioner Koehler, moved for approval of the petition.

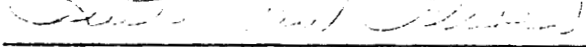
The motion was seconded by Commissioner Lytal, and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 7th day of November, 1978, confirming action of 26 October 1978.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: 
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney

