

RESOLUTION NO. R-79-1096

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. 79-147 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26 July 1979.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 26th day of July, 1979, that petition No. 79-147 the petition of SOUTH FLORIDA RAX, INC., by Gerrold Owen Lamb, Agent, for a SPECIAL EXCEPTION TO ALLOW A RESTAURANT WITH DRIVE-UP WINDOW on the North 150 feet of the West 250 feet of the East 303 feet of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 25, Township 43 South, Range 42 East, together with: The South 25 feet of the West 250 feet of the East 303 feet of the Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 25. Said property located on the west side of Military Trail (S.R. 809), approximately .3 mile north of Belvedere Road in a CG-General Commercial District, was approved as advertised subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet from the centerline for the ultimate right-of-way for Military Trail.

2. Petitioner shall eliminate the easterly drive on Cherry Lane.
3. The creation of this parcel will require conformance with Subdivision Ordinance 73-4, as amended.
4. Petitioner shall contribute Fourteen Thousand Six Hundred Twenty-five Dollars (\$14,625.00) towards the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). This condition shall fulfill the developer's requirement according to the "Fair Share Contribution for Road Improvements" approved by the Board of County Commissioners on June 19, 1979,
5. Petitioner must install all landscaping as shown on plans submitted.

Commissioner Koehler, moved for approval of the petition.

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

Bill Bailey, Chairman	-	Yes
Dennis Koehler, Vice Chairman	-	Yes
Peggy Evatt, Member	-	Yes
Frank Foster, Member	-	Absent
Norman Gregory, Member	-	Yes

The foregoing resolution was declared duly passed and adopted this 21st day of August, 1979, confirming action of 26 July 1979.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Reeth Ann Otteron*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*[Signature]*  
County Attorney

