

RESOLUTION NO. R- 1643

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. 79-240 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25 October 1979; and

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

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

1. The proposal will be in harmony and compatible with the present and future development of the area concerned
2. The proposal will conform to the character of the district and its peculiar suitability for particular uses
3. The proposal will protect the tax base
4. The proposal will not be disruptive to the character of the neighborhoods or adverse to playgrounds, parks, schools and recreation areas
5. The proposal will not be adverse to the promotion of the public health, safety, comfort, convenience, order, appearance, prosperity or general welfare

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 25th day of October, 1979, that Petition No. 79-240 the petition of ARTHUR MURRAY, REAL ESTATE, by Kieran Kilday, President of Kieran Kilday, Inc., Agent, for THE FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A DAYCARE CENTER, AUTOMOBILE AND FARM EQUIPMENT REPAIR FACILITY AND A CAR WASH FACILITY on a parcel of land in Tract 9, Block I, LOXAHATCHEE GROVES, in Section 32, Township 43 South, Range 41 East, said parcel being more particularly described as follows: Beginning at the Southeast corner of Tract 9, Block I, Loxahatchee Groves, and the North right-of-way line of State Road #80 (Southern Boulevard); thence West along the North right-of-way line of S.R. #80 a distance of 722.65 feet to a point thence $89^{\circ}24'30''$ from East to North a distance of 301.19 feet to a point; thence $88^{\circ}30'00''$ from South to West a distance of 150.05 feet to a point, thence $88^{\circ}30'$ from East to North a distance of 300.92 feet to a point in the Center line of West Tangerine Road; thence $90^{\circ}35'30''$ from South to East a distance of 867.20 feet to a point in the East line of Tract 9, Block I; thence $89^{\circ}55'45''$ from West to South a distance of 120.0 feet to a point; thence $90^{\circ}04'15''$ from North to West a distance of 198.5 feet to a point; thence $90^{\circ}04'15''$ from East to South a distance of 200.0 feet to a point; thence $89^{\circ}55'45''$ from North to East a distance of 98.5 feet to a point in the East line of Tract 9; thence $89^{\circ}55'45''$ from West to South a distance of 379.73 feet to the Point of Beginning. SUBJECT TO easement for road and drainage over the North 30.0 feet and the East 30.0 feet thereof. Said property located on the north side of Southern Boulevard (S.R. 80), approximately 1/2 mile west of 'E' Road, 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 two hundred (200) ft. from the guardrail along the south side of S.R. 80 for the ultimate right-of-way for S.R. 80.

2. Petitioner shall construct the frontage road within the project's property limits.
3. Petitioner shall construct the main access road to have one lane entering and two lanes exiting.
4. Petitioner shall:
 - a. Construct a left turn lane, west approach, on S.R. 80 at the project's entrance.
 - b. Construct a right turn lane, east approach, on S.R. 80 at the project's entrance.
5. Petitioner shall signalize the intersection of S.R. 80 and the project's main entrance, when warranted, as determined by the County Engineer.
6. Petitioner shall submit a comprehensive drainage report to determine the effect that this development will have on drainage on abutting properties prior to Site Plan approval.
7. Petitioner shall contribute Forty-eight Thousand Dollars (\$48,000.00) 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" Ordinance No. 79-7. This fee shall be determined and calculated as follows:

Commercial	\$37,500.00
Office	6,000.00
Garage	2,500.00
Day Care	2,000.00
8. Petitioner must obtain a surface water management permit from the South Florida Water Management District prior to construction.
9. Petitioner must maintain Tangerine Road perpetually.

Commissioner Evatt, moved for approval of the petition.

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

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

The foregoing resolution was declared duly passed and adopted
this 27th day of November, 1979, confirming action of
25 October 1979.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Van Otterden*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney

