

RESOLUTION NO. R-80-1601

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. 80-167 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 23 October 1980; 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 would not generate excessive noise or traffic
2. The proposal would be in harmony and compatible with the present and future development of the area concerned
3. The proposal would not be disruptive to the character of the neighborhoods or adverse to playgrounds, parks, schools and recreation areas

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 23rd day of October 1980, that Petition No. 80-167 the petition of WEST PALM BEACH, FLORIDA COMMERCIAL PROPERTIES DEVELOPMENT CORPORATION by Delfin F. Menendez, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN APPROVED UNDER PETITION NO. 78-195 TO INCLUDE A SELF-SERVICE CAR WASH on PARCEL 1, being a certain parcel of land lying in the Southeast 1/4 of Section 1, Township 44 South, Range 42 East, being more particularly described as follows: BEGINNING at the Point of Intersection of a line parallel with and 450.00 feet Southerly from (as measured at right angles to) the North Line of the South 1/2 of the Southeast 1/4 of said Section 1 with the Easterly Right-of-Way Line of that certain 106.00 foot wide right-of-way of Military Trail (State Road No. 809) as recorded in Road Plat Book 3, at page 75, (bearings cited herein are in the meridian of the location map of said State Road No. 809, as recorded in Road Plat Book 3, page 41) and from said Point of Beginning run by the following courses: South 88°28'36" East, running along the above described parallel line a distance of 250.00 feet, more or less, to a point in a line parallel with and 250.00 feet Easterly from (as measured at right angles to) the said Easterly Right-of-Way Line of Military Trail; thence South 01°50'24" West, running along the just described parallel line a distance of 335.61 feet, more or less, to the beginning of a 21182.94 foot radius curve concave Easterly having a central angle of 01°17'37", said curve being concentric with and 250.00 feet Easterly from (as measured radially to) the 21432.94 foot radius curve in the Easterly Right-of-Way Line of said Military Trail; thence Southerly, running along the arc of the just described curve an arc distance of 478.29 feet, more or less, to a point in a line parallel with and 70 feet Northerly from (as measured

at right angles to) the South Line of said Section 1, said parallel line being the Northerly Right-of-Way Line of Summit Boulevard; thence North  $88^{\circ}33'36''$  West, running along the just described parallel line and the said Northerly Right-of-Way Line of Summit Boulevard a distance of 100.01 feet; thence Northerly, along the arc of a 21282.94 foot radius curve concave Easterly, said curve being concentric with the last described 21182.94 foot radius curve, through a central angle of  $00^{\circ}24'14''$  an arc distance of 150.03 feet; thence North  $88^{\circ}25'28''$  West, a distance of 150.01 feet, more or less, to a point in the above described Easterly Right-of-Way line of Military Trail; thence Northerly, running along the arc of a 21432.94 foot radius curve, concave Easterly, and along the said Easterly Right-of-Way Line of Military Trail, through a central angle of  $00^{\circ}52'52.5''$ , an arc distance of 329.65 feet; thence North  $01^{\circ}50'24''$  East, continuing along the said Easterly Right-of-Way Line of Military Trail, 334.23 feet, more or less, to the Point of Beginning; together with PARCEL 2 being a parcel of land lying in the Southeast  $1/4$  of Section 1, Township 44 South, Range 42 East, being more particularly described as follows: Beginning at the Point of Intersection of a line parallel with and 450.00 feet Southerly from (as measured at right angles to) the North Line of the South  $1/2$  of the Southeast  $1/4$  of said Section 1 with a line parallel with and 250.00 Easterly from (as measured at right angles to) the Easterly Right-of-Way Line of that certain 106 foot wide right-of-way of Military Trail (State Road No. 809) as said right-of-way is recorded in Road Plat Book 3 at page 75, (bearings cited herein are in the meridian of the location map of said Military Trail right-of-way as is recorded in Road Plat Book 3 at page 41), and from said Point of Beginning run by the following courses: South  $88^{\circ}28'36''$  East, along a line parallel with the said North line of the South  $1/2$  of the Southeast  $1/4$  of Section 1, a distance of 50.00 feet; thence North  $01^{\circ}50'24''$  East, running along a line parallel with the said Easterly Right-of-Way Line of Military Trail a distance of 150.00 feet, more or less, to a point in a line parallel with and 300 feet Southerly from (as measured at right angles to) the said North line of the South  $1/2$  of the Southeast  $1/4$  of Section

1, thence South  $88^{\circ}28'36''$  East, running along the just described parallel line, a distance of 552.48 feet; thence South  $01^{\circ}26'24''$  West, a distance of 963.00 feet, more or less, to a point in a line parallel with and 70 feet Northerly from (as measured at right angles to) the South line of said Section 1, said parallel line being also the Northerly Right-of-Way Line of Summit Boulevard; thence North  $88^{\circ}33'36''$  West, running along the just described parallel line and along the said Northerly Right-of-Way Line of Summit Boulevard a distance of 603.81 feet, more or less, to a point in a 21182.94 foot radius concave Easterly being concentric with and 250 feet Easterly from (as measured radially to) the above described Easterly Right-of-Way Line of Military Trail, said 21182.94 foot radius curve having a central angle of  $01^{\circ}17'37''$ ; thence Northerly, along the arc of the just described 21182.94 foot radius curve, an arc distance of 478.29 feet to the end of said curve; thence North  $01^{\circ}50'24''$  East, running along the above described line being parallel with and 250 feet Easterly from the Easterly Right-of-Way Line of Military Trail, a distance of 335.61 feet, more or less, to the Point of Beginning; and Parcel 'E', being a parcel of land lying in the Southeast  $1/4$  of Section 1, Township 44 South, Range 42 East, being more particularly described as follows: Commencing at the Point of Intersection of a line parallel with and 854.73 feet Southerly from (as measured at right angles to) the North line of the South  $1/2$  of the Southeast  $1/4$  of said Section 1 with the Easterly right-of-way line of that certain 106.00 foot wide right-of-way of Military Trail (State Road No. 809) as is recorded in Road Plat Book 3, at page 75, bearings cited herein are in the meridian of the location map of said State Road No. 809 as is recorded in Road Plat Book 3, page 41; thence run South  $88^{\circ}25'28''$  East, a distance of 31.11 feet to the Point of Beginning; thence continue South  $88^{\circ}25'28''$  East, a distance of 170.00 feet; thence run South  $1^{\circ}26'52''$  West, a distance of 250.00 feet; thence run North  $88^{\circ}25'28''$  West, a distance of 170.00 feet; thence run North  $1^{\circ}26'52''$  East, a distance of 250.00 feet to the Point of Beginning.

Said property located on the east side of Military Trail (S.R. 809), approximately 100 feet north of Summit Boulevard in a CG-General Commercial District, was approved as advertised subject to the following conditions:

1. Petitioner shall complete the implementation of the conditions previously approved per Resolution R-78-1134 prior to the issuance of a building permit.
2. Petitioner shall contribute Two Thousand Dollars (\$2,000.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s).
3. Petitioner must install all landscaping shown on previously approved shopping center site plan prior to the issuance of a building permit.
4. Petitioner shall not be allowed to install gasoline pumps.

Commissioner Gregory, moved for approval of the petition. The motion was seconded by Commissioner Bailey, and upon being put to a vote, the vote was as follows:

Dennis Koehler, Chairman	- ABSENT
Frank Foster, Vice Chairman	- AYE
Bill Bailey, Member	- AYE
Norman R. Gregory, Member	- AYE
Peggy B. Evatt, Member	- ABSENT

The foregoing resolution was declared duly passed and adopted this 25th day of November 1980, confirming action of 23 October 1980.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Ann Ottum*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*Charles F. Schoch*  
County Attorney

