

RESOLUTION NO. R-81-1604

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. 81-187 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29 October 1981; 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 be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day of October, that Petition No. 81-187 the petition of CLYDE ROBERTS for the FURTHER SPECIAL EXCEPTION TO ALLOW COMMERCIAL NEW AND USED AUTOMOBILE AND TRUCK SALES FACILITY AND LOT on the West 146 feet of the following described parcel: the North Half of the Southwest Quarter of the Northwest Quarter (Less the North

25 feet and the West 50 feet thereof for road purposes) in Section 1, Township 43 South, Range 42 East, together with an easement for the purpose of ingress and egress in common with grantor and others over those parcels described in and set forth in Official Record Book 214, page 350, and Official Record Book 214, page 251, described as follows: a perpetual easement for purposes of ingress and egress over a strip of land 50 feet in width lying 25 feet on each side of the following described centerline, the South line of the North Quarter of the Northeast Quarter of Section 1, less the East 666.89 feet thereof. Said property located on the east side of Military Trail, approximately .2 mile north of 45th Street, was approved as advertised subject to the following conditions:

1. Petitioner shall convey to Palm Beach County within ninety (90) days of Special Exception approval:
 - a. 60' from centerline for the ultimate right of way for Military Trail
 - b. 30' from centerline for the right of way for Upthegrove Lane
2. Petitioner shall construct Upthegrove Lane from Military Trail to the project's east **property** line concurrent with the paving and drainage permit.
3. Petitioner shall construct a non mountable curb on Military Trail fifty feet on both the north and south side of the project's turnout onto Military Trail prior to the issuance of a Certificate of Occupancy or construct a permanent barrier across the existing gate to prevent access onto Military Trail, per the County Engineer's approval.
4. Petitioner shall contribute One Thousand Dollars (\$1,000.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permits.
5. Site plan shall be revised to reflect required landscaping and setbacks.

Commissioner **Evatt** , 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:

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

The foregoing resolution was declared duly passed and adopted
this 22d day of December, 1981, confirming action of
29 October 1981.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *John B. Dunkle*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Cliff J. Paul
County Attorney

