

RESOLUTION NO. R-87-888

RESOLUTION *DENYING* ZONING PETITION 76-3(A): Special Exception

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. 76-3(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 29, 1987; 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. This proposal is not consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that: **Petition** No. the 76-3(A), the petition of GERALD M. HIGIER, By F. Martin Perry, Attorney, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION 76-3 TO DELETE 7.39 ACRES on a parcel of land in Section 13, Township 45 South, Range 42 East, described as follows: Tract "B" as shown on the Plat of Le Chalet Shopping Center, as recorded in Plat Book 32, Page 23, Together with all lands in the Northwest 1/4 of the Northwest 1/4 of Section 13, Township 45 South, Range 42 East, lying South of the South line of said Tract "B" and lying

West of the Westerly Right-of-way of Military Trail (SR 809), Together with that part of the Southwest 1/4 of the Northwest 1/4 of said Section 13, Lying Northerly and Westerly of the Westerly Right-Of-Way known as Old Military Trail (said road formerly known as SR 200 described and deeded to Palm Beach County in official Records Book 192, Pages 206 Through 208). Said property is located on the northwest corner of the intersection of Military Trail (SR 809) and Old Military Trail in a CG-General Commercial Zoning District was denied as advertised with prejudice.

Commissioner Marcus , moved for denial of the petition. The motion was seconded by Commissioner Owens , and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Jerry L. Owens	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Absent

The foregoing resolution was declared duly passed and adopted this 23rd day of June, 1987 confirming action of January 29, 1387.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jane M. [Signature]
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney