

RESOLUTION NO. R-87-891

RESOLUTION DENYING ZONING PETITION 87-8: Rezoning

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. 87-8 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. 87-8, the petition of GERRLD M. HIGIER, by F. Martin Perry, Esquire, for a REZONING, FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT, IN PART, RND CG-GENERRL COMMERCIAL ZONING DISTRICT, IN PART, TO CG-GENERRL COMMERCIAL ZONING DISTRICT WITH A CONCURRENT SPECIAL EXCEPTION TO RLLDW A PLANNED COMMERCIAL DEVELOPMENT INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA INCLUDING AN AUTOMOBILE SERVICE STATION WITH GASOLINE PUMP ISLAND FACILITIES on: Parcel No. 1 - 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 8031, 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), together with: Parcel No. 2. - A parcel of land in Section 13, Township 45 South, Range 42 East, described as follows: Commencing at the Northwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 13, Township 45 South, Range 42 East, Thence North 89 degrees-36'-04" East along the North line of the Southwest 1/4 of the Northwest 1/4 of said Section 13, a distance of 440.55 feet, Thence South 0 degrees-51'-34" East along a line 218.96 feet West of and parallel with the East line of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of said Section 13, a distance of 499.97 feet to the intersection with the Westerly Right-Of-Way line of Military Trail (SR 809), said Right-Of-Way line being a curve concave to the Southeast with a radius of 1360.08 feet and a tangent bearing of North 40 degrees-32'-08" East at said intersection and Point of Beginning, Thence Southwesterly along the arc of said curve and Right-Of-Way line, through a central angle of 16 degrees-19'-33", a distance of 558.50 feet, Thence North 80 degrees-47'-50" West along the South line of a parcel of land described in book 2276, pages 652 and 653 said line also being the North line of a parcel of land described in book 3762, pages 1464 and 1465, a distance of 99.07 feet to the intersection with the Easterly Right-Of-Way line known as Old Military Trail (said road formerly known as SR 200 and described and deeded to Palm Beach County in Official Records Book 192, Pages 206 through 208), said Easterly Right-of-way line being a curve concave to the Southeast with a radius of 1008.74 feet and a tangent bearing of South 03 degrees-50'-30" West at said

intersection, Thence Northerly and Easterly along the arc of said curve and Right-Of-Way line, through a central angle of 77 degrees-52'-59", a distance of 1371.20 feet to the intersection with the said Westerly Right-of-way line of Military Trail (SR 809), Thence South 44 degrees-33'-04" West along said Westerly Right-of-Way line, a distance of 535.01 feet to the point of curvature of a curve concave to the Southeast with a radius of 1960.00 feet, thence Southwesterly along the arc of said curve and westerly Right-of-way line, through a central angle of 3 degrees-49'-16", a distance of 130.72 feet to the Point of Beginning. Said property located on the south side of Le Chalet Boulevard and bounded on the east by Military Trail (SR 809) and bounded on the west by Haverhill Road 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 R. 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, 1987.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Lina M. [Signature]
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney