

RESOLUTION NO. R- 87-1123

RESOLUTION DENYING ZONING PETITION 77-133(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. 77-133(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 26, 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 inconsistent 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, assembled in regular session that Petition No. 77-133(A), the petition of WESPAC INVESTORS TRUST II, by Bruce G. Kaleita, Esquire, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A LARGE SACLE COMMUNITY SHOPPING CENTER PREVIOUSLY APPROVED UNDER ZONING PETITION 77-133 TO INCREASE THE BUILDING SQUARE FOOTAGE BY 6,200 SQUARE FEET on:

Parcel "X": A parcel of land in the Northwest 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East: Commencing at the point of intersection of the Easterly Right-of-

Way line of Military Trail and the North Right-of-way line of Westgate Avenue, said intersection point being 53.0 Easterly from, as measured at right angles to the North-South 1/4 Section Line and also being 40.0' North of the South line of the Northwest 1/4 of the Northeast 1/4, run thence Easterly along said North Right-of-Way line of Westgate Avenue, a distance of 1,208.83' to the Point of Beginning of the following described parcel: thence from said Point of Beginning Northerly forming an angle with the preceding course of 90 degrees 00' 00", a distance of 300.00 feet; thence Westerly forming an angle with the preceding course of 90 degrees, 00' 00", a distance of 165.00 feet; thence Southwesterly forming an angle with the preceding course of 135 degrees 00' 00", a distance of 120.21 feet; thence Southerly forming an angle with the preceding course of 135 degrees 00' 00", a distance of 215.00 feet to a point on the said North Right-of-way line of Westgate Avenue; thence Easterly along the North Right-of-way line of Westgate Avenue, a distance of 250.00 feet, more or less, to the Point of Beginning.

Parcel "A": A parcel of land in the Northwest 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, being more particularly described as follows: Commencing at the 1/4 corner on the North line of said Section 25 run thence Southerly along the 1/4 Section line 45.0 feet: thence Easterly along the South Right-of-way line of Okeechobee Boulevard and the Westerly extension thereof as said Right-of-way is shown on Plat recorded in Road Plat Book 2, at Pages 130 through 133, Pages 138 through 141, a distance of 338.91 feet to the beginning of a curve, concave to the North having a radius of 5789.65 feet and a central angle of 2 degrees 36' 13": thence Easterly along the arc of said curve subtending an angle of 1 degree 16' 39", a distance of 129.09 feet to the Point of Beginning: thence continue Easterly along the arc of said curve subtending an angle of 1 degree 19' 34", a distance of 134.00 feet to the end of said curve: thence continue Easterly along said Right-of-way line and along the tangent of the

just described curve 400.00 feet to the beginning of a curve, concave to the North, having a radius of 5669.65 feet and a central angle of 02 degrees 36' 13"; thence Easterly along the arc of said curve and along said Right-of-way line, subtending an angle of 02 degrees 30' 21", a distance of 247.96 feet: thence Southerly parallel to the East line of the Northwest 1/4 of the Northeast 1/4 of said Section 25, 98.41 feet: thence Easterly forming an angle of 90 degrees 00' 00", with the preceding course 100.00 feet to a point in the East line of the Northwest 1/4 of the Northeast 1/41 thence Southerly along just said line forming an angle with the preceding course of 90 degrees 00' 00", a distance of 1193.53 feet to a point in the North Right-of-way line of Westgate Avenue; thence Westerly along the North Right-of-way line of Westgate Avenue forming an angle of 90 degrees 39' 01" with preceding course, a distance of 1094.83 feet: thence Northerly forming an angle of 89 degrees 23' 43" with the preceding course, a distance of 175.00 feet: thence Westerly forming an angle of 89 degrees 23' 43" with the preceding course, a distance of 200.00 feet to a point on the Easterly Right-of-way line of Military Trail (SR 809); thence Northerly along said Right-of-way line forming an angle of 89 degrees 23' 43" with the preceding course, a distance of 530.46 feet: thence Northeasterly forming an angle of 135 degrees 00' 00" with the preceding course, a distance of 140.00 feet: thence Southeasterly forming an angle of 90 degrees 00' 00" with the preceding course, a distance of 15.00 feet: thence Northeasterly forming an angle 90 degrees 00' 00" with the preceding course, 387.67 feet: thence Northwesterly forming an angle of 90 degrees 00' 00" with the preceding course, 15.00 feet: thence Northeasterly forming an angle of 90 degrees 00' 00" with the preceding course 66.50 feet: thence Northerly forming an angle of 132 degrees 51' 44" with the preceding course when measured from Southwest to North a distance of 139.88 feet, more or less, to the Point of Beginning.

Parcel "B": A certain parcel of land in the Northwest 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, being more particularly described as follows: Commencing at the

Northeast Corner of the said Northwest 1/4 of the Northeast 1/4 run thence Southerly along the East line of said Northwest 1/4 of the Northeast 1/4, a distance of 15 feet to the Point of Beginning: thence Westerly along a line parallel to and 15.0 feet Southerly from (as measured at right angles to) the North line of said Section 25 and along the South line of Okeechobee Road, a distance of 90.33 to the beginning of a curve, concave to the South having a radius of 5669.65 feet and a central angle of 2 degrees 36' 13"; thence Westerly along the arc of said curve,, subtending an angle of 0 degrees 05' 52", a distance of 9.68 feet: thence Southerly parallel to the East line of the Northwest 1/4, Northeast 1/4, a distance of 98.41 feet: thence Easterly forming an angle of 90 degrees with the preceding course, a distance of 100 feet to a point in the East line of the Northwest 1/4 of the Northeast 1/4; thence 100.0 feet North along said East line to the Point of Beginning. Parcel "C": A parcel of land in the Northwest 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, being more particularly described as follows: Beginning at the point of intersection of the Easterly Right-of-Way line of Military Trail and the North Right-of-way line of Westgate Avenue, said intersection point being 53 feet Easterly from, (as measured at right angles to) the North-South 1/4 Section line and also being 40 feet North of the South line of the Northwest 1/4 of the Northeast 1/4 run thence Easterly along said North Right-of-way line of Westgate Avenue, a distance of 200 feet; thence Northerly forming an angle with preceding course of 90 degrees 36' 17", a distance of 175 feet: thence Westerly parallel with the South line of the Northwest 1/4 of the Northeast 1/4, a distance of 200 feet to a point in the Easterly Right-of-way line of Military Trail; thence Southerly along the East Right-of-way line of Military Trail, 175 feet to the Point of Beginning.

Parcel "F": A certain parcel of land in the Northwest 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, being more particularly described as follows: Commencing at the

point of intersection of the Southerly Right-of-way line of Okeechobee Road as same is shown in Road Plat Book 2, Pages 130 through 133 and Pages 138 through 141; with the Easterly Right-of-Way line of Military Trail, (SR 809), as same is shown on plat recorded in Road Plat Book 2, Page 233, (for the purpose of this description the North line of said Section 25, Township 43 South, Range 42 East is assumed to bear East and West and all other bearings mentioned herein are relative thereto); thence East along said Southerly line of Okeechobee Road a distance of 175 feet to the Point of Beginning of the herein described parcel; thence continuing East along the said Southerly line of Okeechobee Road a distance of 110.91 feet to the beginning of a curve concave to the North having a radius of 5789.65 feet and a central angle of 2 degrees 36' 13"; thence Easterly along the arc of said curve and through central angle of 1 degree 16' 39" a distance of 129.00 feet; thence South 1 degree 16' 39" East a distance of 139.83 feet; thence South 45 degrees 51' 37" West a distance of 66.50 feet; thence South 44 degrees 08' 23" East a distance of 15.00 feet; thence South 45 degrees 51' 37" West a distance of 387.67 feet; thence North 44 degrees 08' 23" West a distance of 15.00 feet; thence South 45 degrees 51' 37" West a distance of 140.00 feet to a point in the said Easterly Right-of-way line of Military Trail; thence North 0 degrees 51' 37" East along said Easterly Right-of-Way line of Military Trail a distance of 377.25 feet; thence East a distance of 175 feet (to a point being hereafter described as the point aforescribed); thence North 0 degrees 51' 37" East a distance of 175 feet to the Point of Beginning. And Less (for widening of Military Trail) commencing at the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East; thence South 1 degree 53' 54" West, along the West line of the Northwest 1/4 of the Northeast 1/4 of said Section 25, a distance of 220.03 feet to a point on a line lying 220.00 feet south of, when measured at right angles, and parallel with the North line of the Northwest 1/4 of the Northeast 1/4 of said Section 25, thence South 88 degrees 57' 24" East, along the said

parallel line, a distance of **53.01** feet to a point on a line lying **53.00** feet East of, when measured at right angles, and parallel with the West line of the Northwest 1/4 of the Northeast 1/4 of said Section 25 and the Point of Beginning of the parcel to be herein described; thence South 1 degree 53' 54" West, along the said parallel line, a distance of **360.00** feet to a point; thence North 4 degrees 25' 06" East, a distance of **250.24** feet to a point on a line lying **64.00** feet East of, when measured at right angles, and parallel with the West line of the Northwest 1/4 of the Northeast 1/4 of said Section **25**; thence North 1 degree 53' 54" East, along the said parallel line, a distance of **110.05** feet to a point on a line lying **220.00** feet South of, when measured at right angles, and parallel with the North line of the Northwest 1/4 of the Northeast 1/4 of said Section **25**; also being the Point of Beginning of the herein described parcel.

Parcel "D": Together with the Southerly **425** feet of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section **25**, Township **43** South, Range **42** East, and less the West **20** feet thereof for Westgate Avenue Outfall as recorded in Road Plat Book **4**, Page **52**.

Parcel "E": The Westerly **20** feet of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section **25**, Township **43** South, Range **42** East, less the North **40** feet thereof for Westgate Avenue as recorded in Road Plat Book **2**, Page **205**, less the West **20** feet thereof for Westgate Avenue Outfall as recorded in Road Plat Book **4**, Page **52**, less the South **425** feet thereof. Parcel "H": The West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section **25**, Township **43** South, Range **42** East, less the North **40.00** feet thereof for Westgate Avenue as recorded in Road Plat Book **2**, Page **205**, less the West **40** feet, and less the South **425** feet thereof.

Parcel "G": The West 3/4 of the North 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, less the West 533.00 feet thereof; and less the North 40.00 feet thereof for Westgate Avenue Right-of-way.

The property is located on the southeast corner of the intersection of Military Trail (SR 809) and Okeechobee Road (SR 704) and is bounded on the south by Westgate Avenue in a CG-General Commercial Zoning District and was denied with prejudice.

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

Carol A. Roberts	--	Absent
Karen T. Marcus	--	Nay
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye
Carol J. Elmquist	--	Aye

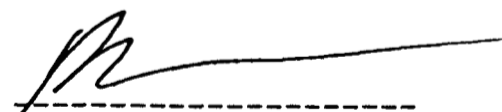
The foregoing resolution was declared duly passed and adopted this 28th day of July, 1987 confirming action of March 26, 1987.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Kathryn S. Miller
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



County Attorney