

RESOLUTION NO. R-89- 1246

RESOLUTION DENYING ZONING PETITION NO. 89-3
SPECIAL EXCEPTION PETITION OF ABERDEEN SQUARE

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. 89-3 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 27, 1989; and

WHEREAS, the Board of County Commissioners, pursuant to the criteria set forth in the Comprehensive Land Use Plan and the Zoning Code of Palm Beach County, in particular Sections 102, 200.2 (Special Exception) and 402.5, 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.
2. This proposal does not promote efficiency and economy of development.
3. This proposal will adversely impact on the existing residential neighborhood.
4. This proposal does not promote the timely and good order of development.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-3 the petition of ABERDEEN SQUARE, by F. Martin Perry, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT INCLUDING: (1) LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA, (2) AN AUTO SERVICE STATION (GAS SALES ONLY), (NO MAJOR REPAIRS), AND (3) A CAR WASH, on a parcel of land lying: Parcel No. 1: 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 (S.R. 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 of a County Road known as Old Military Trail (said road formerly known as S.R. 200 and described and deeded to Palm Beach County in Official Records Book 192, Pages 206 through 208) and: Parcel No. 2: 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 00 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 1960.08 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 Official Records Book 2276, Pages 652 and 653, said line also being the North line of a parcel of land described in Official Records Book 3762, Pages 1464 and 1465, a distance of 99.07 feet to the intersection with the Easterly Right-of-way line of a county road 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 1960.08 feet; thence, Southwesterly along the arc of said curve and Westerly Right-of-way line, through a central angle of 03 degrees 49' 16", a distance of 130.72 feet to the Point of Beginning and; Parcel No. 3: All of the Right-of-way of Old Military Trail, formerly known as SR 200, as described and deeded to Palm Beach County in Official Records Book 192, Pages 206 through 208 lying Easterly of the West line of the Northwest 1/4 of Section 13, Township 45 South, Range 42 East, and lying West of the Westerly Right-of-way line of Military Trail (SR 809) as shown on Palm Beach County Engineering Department Right-of-way map Drawing No. 1.83-116, and lying North of the following described line; 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 00 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 1,960.08 feet and a tangent bearing of North 40 degrees 32' 08" East at said intersection; 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 to the Point of Beginning of the line described herein: thence, North 80 degrees 47' 50" West along the South line of a parcel of land described in Official Records Book 2276, Pages 652 and 653, said line also being the North line of a parcel of land described in Official Records Book 3762, Pages 1464 and 1465, a distance of 136.03 feet to the intersection with the West line of said Section 13 and the terminus of the line described herein, being located on the west side of Military Trail (SR 809), approximately 240 feet south of 81st Court South, in an AR-Agricultural Residential Zoning District, in part, RS-Single Family Residential Zoning District, in part, and CG-General Commercial Zoning District, was denied with prejudice.

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

Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Nay
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of January 27, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Barbara Altman
COUNTY ATTORNEY

BY:

June J. Hardy
DEPUTY CLERK

