

RESOLUTION NO. R-90-1901

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DENYING ZONING PETITION NO. 90-15 - PETITION OF B.P. OIL COMPANY, BY ALAN J. CIKLIN, AGENT FOR A SPECIAL EXCEPTION, PLANNED COMMERCIAL DEVELOPMENT INCLUDING AUTO SERVICE STATION AND CAR WASH

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 have been satisfied; and

WHEREAS, Petition No. 90-15 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 28, 1990; and

WHEREAS, Petition 90-15 requests approval of a special exception for a Planned Commercial Development including auto service station and car wash; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, pursuant to the Zoning Code of Palm Beach County, Florida, Sections 102, 200.2 (Special Exception) and 402.5, Board of County Commissioners Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. The property which is the subject of this zoning petition is designated Commercial Low Intensity (CL) on the 1989 Comprehensive Plan Land Use Atlas.
2. The 1989 Comprehensive Plan on page 71A (Introduction/Administration) limits uses such as car dealerships, convenience stores, fast food restaurants, service stations and car

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washes to locations at **the** intersection of **two** major arterials **in** the **CL** land use sub-category.

3. **The** property which **is** the subject of this zoning petition **is** not located at the intersection of two major arterials **as** High Ridge Road is not a major arterial.
4. This proposal **is** not consistent with the requirements of the Comprehensive Plan and local land development regulations.
5. **This** proposal is not consistent with the present **and** future development of the **area** and **is** not an appropriate **use** in this location.

**WHEREAS**, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that the property contained in Petition No. 90-15, the petition of B.P. OIL COMPANY, BY ALAN J. CIKLIN, AGENT, on a parcel of land known as:

A portion of the North 352.73 feet of the West 200.16 feet of Section 9, Township 45 South, Range 43 East, as measured at right angles to the North and West lines of said Section 9, being more particularly described as follows: Commence at the Northwest corner of the Northwest 1/4 of said Section 9; Thence South 89°18'31" East along the North line of said Section 9 for 200.20 feet; Thence South 01°50'13" West for 60.51 feet to the POINT OF BEGINNING of the following described parcel of land; Thence continue South 01°50'13" West along the East line of the West 200.16 feet of said Section 9 for 292.29 feet to a point on the South line of the North 353.73 feet of said Section 9; Thence North 89°18'31" West along the South line of the North 352.73 feet of said Section 9 for 151.69 feet to a point on the East line of the West 48.50 feet of said Section 9; Thence North 01°50'13" East along the East line of the West 48.5 feet of said Section 9 for 253.08 feet; Thence North 46°15'51" East for 56.00 feet, to a point on the South line of the North 60.5 feet of said Section 9; Thence South 89°18'31" East along the South line of the North 60.5 feet of said Section 9 for 112.48 feet to the POINT OF BEGINNING. Parent Tract: A portion of the North 352.73 feet of the West 200.16 feet of Section 9, Township 45 South, Range 43 East, as measured at right angles to the North and West lines of said Section 9, being mor

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particularly described as follows: Commence at the Northwest corner of the Northwest 1/4 of said Section 9; Thence South 89°18'31" East along the North line of said Section 9 for 200.20 feet; Thence South 01°50'13" West for 53.01 feet to a point on the North right-of-way line of Hypoluxo Road as shown on Palm Beach County Right-of-Way Map No. 3-76-348-R/W and the POINT OF BEGINNING of the following described parcel of land; Thence continue South 01°50'13" West along the East line of the West 200.16 feet of said Section 9 for 299.79 feet to a point on the South line of the North 352.73 feet of said Section 9; Thence North 89°18'31" West along the South line of the North 352.73 feet of said Section 9 for 175.20 feet to a point on the East Right-of-way line of High Ridge Road and the East line of the West 25.00 feet of said Section 9; Thence North 01°50'13" East along the East Right-of-Way line of High Ridge Road and the East line of the West 25.00 feet of said Section 9 for 275.28 feet; Thence North 46°15'51" East for 35.00 feet, to a point on the South Right-of-way line of Hypoluxo Road and the South line of the North 53.00 feet of said Section 9; Thence South 89°18'31" East along the South Right-of-way line of Hypoluxo Road and the South line of the North 53.00 feet of said Section 9 for 150.69 feet to the POINT OF BEGINNING, and being located on the Southeast corner of the intersection of Hypoluxo Road and High Ridge Road,

was denied on June 28, 1990.

The foregoing resolution was offered by Commissioner Marcus who moved its adoption. The motion was seconded by Commissioner Howard and upon being put to a vote was as follows:

CAROL J. ELMQUIST	AYE
KAREN T. MARCUS	AYE
CAROL A. ROBERTS	AYE
RON HOWARD	AYE
CAROLE PHILLIPS	ABSENT

The Chair thereupon declared the resolution duly passed! and adopted this 6th day of November, 1990.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: [Signature]  
County Attorney

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

John B. Dunkle, Clerk

By: [Signature]  
Deputy Clerk

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