

RESOLUTION NO. R-94- 1316

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. CR 92-23  
TO REVOKE THE SPECIAL EXCEPTION  
FOR PROPERTY PREVIOUSLY GRANTED A SPECIAL EXCEPTION BY  
RESOLUTION NO. R-93-509  
WHICH APPROVED THE PETITION OF  
STEVE CRAIG, TR., EMMA WILSON, GENE BARBATO, TR., SPEARS  
CORPORATION, **INBAR** AND PAT SCRUGGS, SCHOOLEY CADILLAC, INC.  
PETITION NO. 92-23

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 92-23 was presented to the Board of County Commissioners of Palm Beach County, at a public hearing conducted on September 29, 1994; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 92-23 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to revoke Special Exceptions; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This project, which will generate approximately 11,838 trips **per day**, does not meet the Countywide Traffic Performance Standards.
2. The Traffic Performance Standards Ordinance requires that any required surety be posted within six months of approval, and this has not been done.
3. Other proposed projects in the area cannot meet concurrency requirements. As permitted by the Traffic Performance Standards in effect at the time of approval of Resolutions **R-93-508** and **R-93-509**, this project has received more than half of the five percent additional traffic allowed for already overcapacity roads.
4. Based upon the approval of this petition, Palm Beach County has relied on the property owners' compliance with condition number E17 of Resolution R-93-509 to financially assist in the construction of the intersection of Military Trail and Belvedere Road.
5. The property owners have not attempted to comply with conditions A1, **A5B**, E2, E3, E5, E6, E12, E16 and E17 of Resolution R-93-509.
6. Palm Beach County has relied upon compliance with conditions E2, E3, E5, and E6 of Resolution R-93-509, and without the

right-of-way and easements from these property owners, the intersection costs will be significantly higher.

7. There have been no changed circumstances which have interfered with the ability of the property owner to comply with conditions A1, **A5B**, E2, E3, **E5**, E6, **E12a**, E16, and E17 of Resolution R-93-509.
8. While the Town of **Golfview** has precluded the use of the property for parking purposes within the Town's jurisdiction, the property owners have demonstrated to staff that they have an alternative plan for the remaining parcels outside the Town's jurisdiction.
9. Funds required by condition number E16 of Resolution R-93-509 were never posted, therefore **offsite** roadwork is not considered to be assured, and this project is no longer in conformance with the provisions of the Traffic Performance Standards Ordinance.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. CR 92-23, to revoke the Special Exception previously granted by the approval of the petition of Steve Craig, TR., Emma Wilson, Gene Barbato, TR., Spears Corporation, **Inbar** and Pat Scruggs, **Schooley** Cadillac, Inc., Petition No. 92-23, confirmed by the adoption of Resolution R-93-509, which granted a Special Exception to allow a Planned General Commercial Development (PGCD), including a drive-in restaurant, convenience store with gasoline sales and automatic car wash, on a parcel of land legally described in Exhibit A, being located on the north side of Belvedere Road, east of Military Trail and west of Country Club Road, in the CG-General Commercial Zoning District, is approved.

Commissioner Marcus moved for approval of the Resolution.

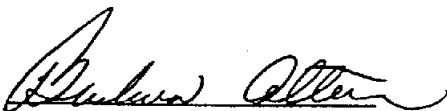
The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

MARY MCCARTY, CHAIR	--	Abseht
BURT <b>AARONSON</b>	--	Aye
KEN FOSTER	--	Aye
MAUDE FORD LEE	--	Aye
KAREN T. MARCUS	--	Aye
WARREN H. NEWELL	--	Nay
CAROL ROBERTS	--	Absent

The Chair thereupon declared the resolution was duly passed and adopted this **29th** day of September 1 9 9 4 .

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

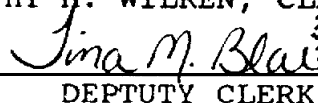
BY:



PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
DEPUTY CLERK

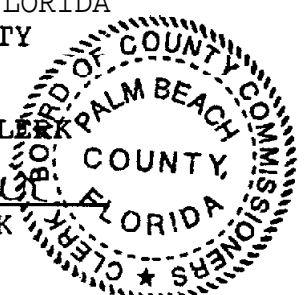


EXHIBIT A

a parcel of land lying in the southwest quarter (S.W. 1/4) of the southeast quarter (S.E. 1/4) of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, and being more Particularly described as follows: Commencing at the south quarter (S. 1/4) corner of said Section 25, run along the west line of the southeast quarter of said Section 25, said line also being the centerline of Military Trail (106' Right-of-Way)  $N01^{\circ}21'21''E$  a distance of 281.00 feet; thence leaving said west line,  $S88^{\circ}31'24''E$  a distance of 100.00 feet to point of beginning of the herein described parcel; Thence  $S88^{\circ}31'24''E$  a distance of 371.65 feet to the northwest corner of Lot 1, Plat of central Bank, as recorded in Plat Book 32, Page 145; thence along the westerly line of said Plat, No  $1^{\circ}27'39''E$  a distance of 393.22 feet to the northwest corner of said plat; thence along the northerly line of said plat,  $S88^{\circ}44'02''E$  a distance of 200.00 feet to the northeast corner of said plat, said point lying on the east line of the west one half of the southwest one-quarter of the southeast one quarter of said Section 20; thence, along the easterly line of said plat,  $S01^{\circ}27'39''W$  a distance of 610.01 feet to a point on a curve concave to the northeast, having a radius of 901.93 feet, and whose center bears  $N07^{\circ}51'30''W$ ; thence northeasterly along said curve through a central angle of  $37^{\circ}26'56''$ , an arch length of 589.51 feet to the point of tangency; thence  $N44^{\circ}41'34''E$  a distance of 234.15 feet to a point on the east line of the southwest quarter, of the southeast quarter of said Section 25; thence along said east line  $N01^{\circ}29'53''E$  a distance of 343.47 feet; thence leaving said, east line  $N02^{\circ}53'17''W$  a distance of 392.29 feet; thence  $N01^{\circ}29'53''E$  a distance of 109.12 feet to a point on the north line of the southwest quarter of said Section 25; thence along said north line,  $N88^{\circ}41'07''W$  a distance of 642.01 feet to a point on the east line of the west half of the southwest quarter of the southeast quarter of said Section 25; thence along said east line,  $S01^{\circ}27'39''W$  a distance of 337.48 feet; thence  $N88^{\circ}38'42''W$  a distance of 443.75 feet; thence  $S01^{\circ}27'39''W$  a distance of 65.50 feet; thence  $N88^{\circ}38'42''W$  a distance of 176.12 feet to a point on the easterly Right-of-Way line of Military Trail (106' Right-of-Way), thence along said easterly Right-of-Way line  $S01^{\circ}21'21''W$  a distance of 103.02 feet; thence leaving said easterly Right-of-Way line,  $S88^{\circ}37'29''E$  a distance of 7.00 feet to a point on the easterly Right-of-Way line of Military Trail (120.00' Right-of-Way); thence along said line!  $S01^{\circ}21'21''W$  a distance of 168.52 feet; thence  $N88^{\circ}36'16''W$ , a distance of 7.00 feet to a point on the easterly Right-of-Way line of Military Trail (106.00' Right-of-Way); thence, along said line,  $S01^{\circ}21'21''W$  a distance of 200.51 feet; thence  $S88^{\circ}32'35''E$  a distance of 47.00 feet to a point on the easterly Right-of-Way line of Military Trail (200' Right-of-Way); thence along said line  $S01^{\circ}21'21''W$  a distance of 192.59 feet point of beginning. Containing 25.211 acres more or less,