

RESOLUTION NO. R-95- 1123

RESOLUTION DENYING ZONING PETITION PDD94-98  
PETITION OF FRANCALBY CORPORATION

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 Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Petition No. PDD94-98 was presented to the Board of County Commissioners at a public hearing conducted on August 24, 1995; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning 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 is not consistent with the Palm Beach County Unified Land Development Code and all other local land development regulations.
3. This proposal is not consistent with the present and future development of the area, and not an appropriate use in this location.
4. Access for tractor trailers, trucks and other commercial vehicles on to High Ridge Road is not appropriate or consistent with the residential character of the road.
5. The MUPD district and uses proposed are inconsistent with the Comprehensive Plan commercial low land use designation.
6. The proposed uses constitute an intrusion into an existing residential neighborhood and are not compatible with that use.
7. Allowing and expanding the truck stop and 24 hour operation on this site will increase the noise, congestion, fumes and incompatible characteristics on an around the clock basis.

WHEREAS, Article 5 of the Palm Beach County Unified 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 Zoning Petition No. PDD94-98, the petition of Francalby Corporation, for an Official Zoning Map Amendment (rezoning) from the Community Commercial (CC), General Commercial (CG) and Single Family Residential (RS) Zoning Districts to the Multiple Use Planned Development District (MUPD), on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was denied on August 24, 1995, with prejudice.

Commissioner Newell 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:

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 24th day August, 1995.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY: *Barbara Altman*  
COUNTY ATTORNEY

BY: *Jina M. Blodgett*  
DEPUTY CLERK

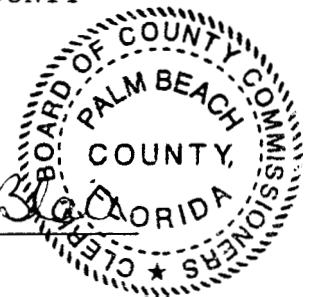


EXHIBIT A  
LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER (S.W. 1/4) OF THE SOUTHWEST QUARTER (S.W. 1/4) OF THE SOUTHWEST QUARTER (S.W. 1/4) OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 4, RUN N02°18'16"W, ALONG THE WEST LINE OF SAID SECTION 4, A DISTANCE OF 348.39 FEET; THENCE S89°50'23"E A DISTANCE OF 40.03 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HIGH RIDGE ROAD (80.00 FEET WIDE RIGHT-OF-WAY); SAID POINT BEING THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED PARCEL OF LAND.

CONTINUE THENCE S89°50'23"E, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 614.64 FEET; THENCE S02°17'00"E ALONG THE WEST LINE OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER, OF THE SOUTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 242.87 FEET; THENCE S57°39'18"W A DISTANCE OF 53.35 FEET; THENCE S85°48'21"W A DISTANCE OF 287.09 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HYPOLUXO ROAD (108 FEET WIDE RIGHT-OF-WAY); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE N90°00'00"W A DISTANCE OF 284.07 FEET; THENCE N46°09'08"W A DISTANCE OF 34.64 FEET; THENCE N02°18'16"W A DISTANCE OF 270.21 FEET TO THE **POINT OF BEGINNING**.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

THE WEST HALF (W 1/2) OF THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 1019.90 FEET THEREOF, AS MEASURED ALONG THE EAST AND WEST LINES OF THE SAID WEST HALF (W 1/2) OF THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 4, AND LESS THE RIGHT-OF-WAY FOR 1-95.

CONTAINING 5.822 ACRES  
SFRN PROJECT NO. 93051  
AUGUST 11, 1994 - (9305112) REVISED DECEMBER 20, 1994

