

RESOLUTION NO. R-92-1838

RESOLUTION APPROVING ZONING PETITION NO. 792-31  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF SEALUBBERS, INC. II

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Petition No. 792-31 was presented to the Board of County Commissioners at a public hearing conducted on December 4, 1992; 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 official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan.
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Land Development Code.
3. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.
4. This official zoning map amendment (rezoning) is consistent with all requirements of Article 5, Section 5.3 (Official Zoning Map Amendments) of the Palm Beach County Land Development Code, Ordinance 92-20.

WHEREAS, Article 5, Section 5.3 .D.9 (Action by Board of County Commissioners) of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

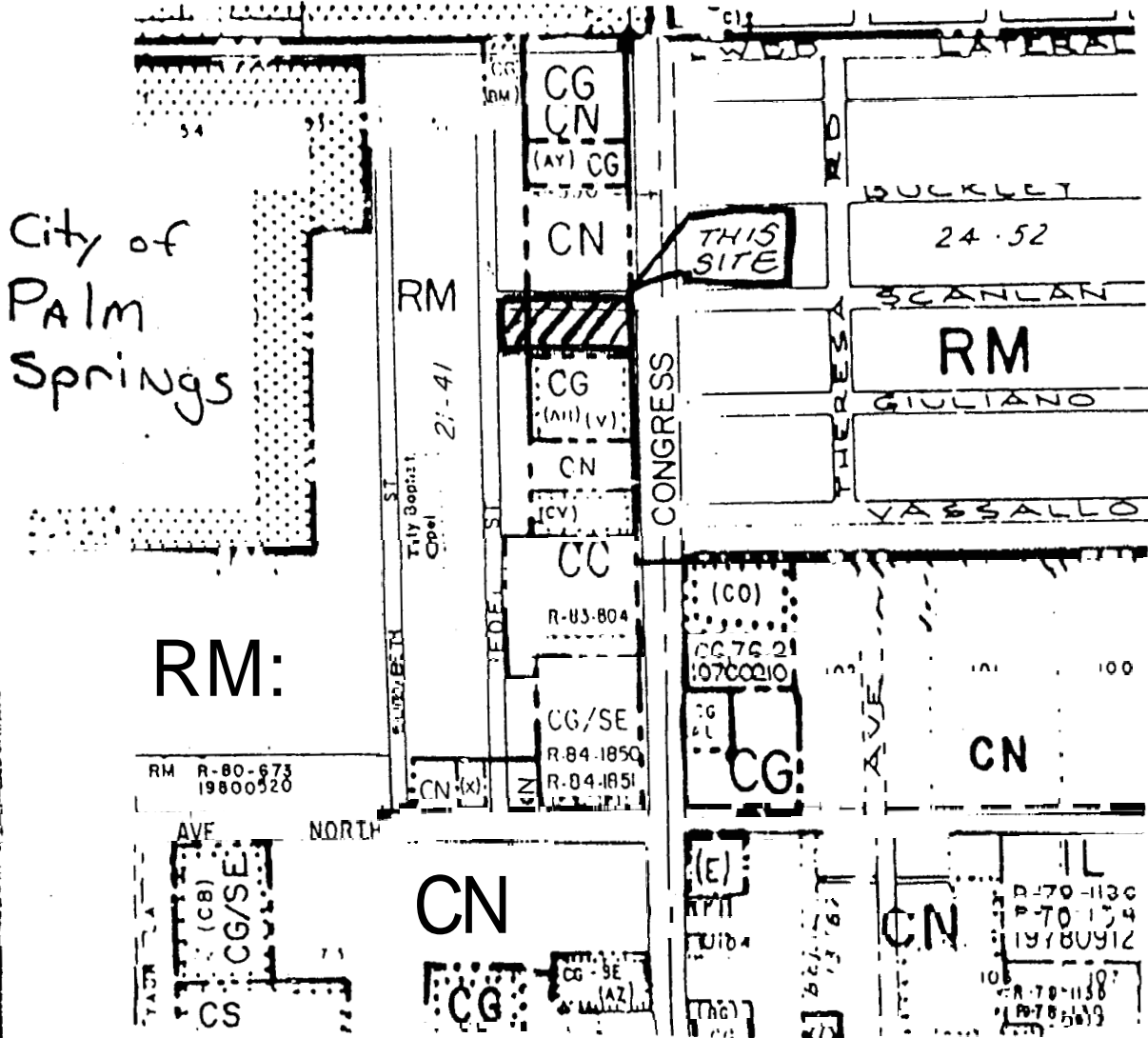
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition No. 792-31, the petition of Sealubbers, Inc. II by Steven Deese, agent, for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT to the GENERAL COMMERCIAL (CG) ZONING DISTRICT on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on December 4, 1992, subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

EXHIBIT "A"

A parcel of land in Section 19, Township 44 South, Range 43 East, being a part of Tracts 51 and 52 of the subdivision of said Section 19, according to the Plat thereof recorded in Plat Book 6, Page 66; said parcel being more particularly described as follows: BEGINNING at the intersection of the East line of said Tract 51, with the Westerly extension of the South line of Scanlan Avenue, as shown on Plat of Englewood Manor, recorded in Plat Book 24, Page 52, public records of Palm Beach County, Florida; thence Southerly along the East line of said Tract 51, a distance of 112.80 feet; thence Westerly parallel to said Westerly extension, a distance of 35.00 feet to the Westerly right of way of Congress Avenue (SR 807), Road Plat Book 3, Pages 32 through 39 of the public records of Palm Beach County, Florida, and the POINT OF BEGINNING; thence continue Westerly along said parallel line 285.20 feet to the West line of said Tract 51, thence continue Westerly 42.14 feet to the Easterly right of way of Riedel Street as shown on the Plat of Lake Echo, recorded in Plat Book 21, Page 41 of the public records of Palm Beach County, Florida; thence North 0°50'00" East along said Easterly right of way 162.82 feet to the Westerly extension of the North line of Scanlan Avenue as shown on Englewood Manor, as recorded in Plat Book 24, Page 52 of the public records of Palm Beach County, Florida; thence Easterly along said North line 40.28 feet to the West line of said Tract 51, thence continue Easterly along said North line 283.84 feet to the Westerly right of way of said Congress Avenue; thence South 0°18'00" East along said right of way 162.80 feet to the POINT OF BEGINNING.

Sec. 19 Twp. 44 Rng. 43  
Quadrant Sheet: 18  
Aerial Page: 66-22

ZONING QUAD



Request: The petitioner has applied for a rezoning from the Commercial Neighborhood (CN) Zoning District to the General Commercial (CG) Zoning District.

PETITION NO: Z92-31

BCC DISTRICT: 3

EXHIBIT "C"

PETITION Z92-31

APPROVAL OF THE PETITION IS SUBJECT TO THE FOLLOWING VOLUNTARY COMMITMENTS:

A. GENERAL CONDITIONS

1. Prior to January 31, 1993, or the issuance of an occupational licenses for the restaurant, or a certificate of occupancy (whichever occurs first) the petitioner shall upgrade the existing landscaping onsite to meet the minimum landscape code requirements as specified in the Palm Beach County Land Development Code, Section 7.3,. The applicant may submit for approval from the Zoning Division a Alternative Landscape Betterment Plan in lieu of this requirement. (MONITORING/ZONING)
2. Prior to January 31, 1993, the petitioner shall upgrade the existing parking to meet the parking code requirements of the Palm Beach County Unified Land Development Code, Section 7.2,. (MONITORING/ZONING)

E. ENGINEERING

1. Prior to April 1, 1993 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner voluntarily agrees to convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Congress Avenue, 53 feet from the centerline, feet from centerline free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (MONITORING - Engineering).

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 4th day of December, 1992.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

MILTON T. BAUER, Clerk

BY:   
DEPUTY CLERK



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