

RESOLUTION R-2001 - 0244

RESOLUTION CORRECTING RESOLUTION R-2000-I 578
RESOLUTION APPROVING ZONING PETITION OF
HERBERT F. KAHLERT AND KARL A. KAHLERT
PETITION DOA1 998-077(A)

WHEREAS, Herbert F. Kahlert and Karl A. Kahlert, petitioned the Palm Beach County Board of County Commissioners on September 28, 2000 for a Development Order Amendment to modify Conditions E.5 and P.4 and reconfigure the master plan; and

WHEREAS, Resolution R-2000-I 578, adopted on September 28, 2000 confirming the action of the Board of County Commissioners inadvertently contained errors in Conditions C.1, P.1 and P.6 of Exhibit C; and

WHEREAS, Conditions C.1, P.1 and P.6 of Exhibit C in Resolution R-2000-1578 should have read as follows:

- C.1. Condition C. 1 of Resolution R-99-0527, Petition PDD98-077 which currently states:

Total gross floor area shall be limited to 85,700 square feet with a maximum one thousand (1,000) square feet increase if approved by the Traffic Division. (DRC: ZONING)

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 82,000 square feet. ~~Any expansion shall be subject to approval by the Board of County Commissioners with a maximum one thousand (1,000) square feet increase if approved by the Traffic Division.~~ (DRC: ZONING)

- P.1. Condition P.1 of Resolution R-99-0527, Petition PDD98-077 which currently states:

Use of the site shall be limited to the following uses and in the locations as indicated on the site plan dated November 23, 1998:

- a. **Convenience store with gas sales - 3,000 sq. ft. with 6 pumps (maximum 112 fueling stations) and 900 sq. ft. accessory car wash;**
- b. **3,820 sq. ft. of financial institution or retail Pod 2 Phase 2; and**
- c. **77,980 sq. ft. of general retail sales with a maximum one thousand (1,000) square feet increase if approved by the Traffic Division.** (DRC: ZONING)

Is hereby amended to read:

The use of the site shall be limited to the following uses and in the locations as indicated on the site plan dated August 1, 2000:

- a. convenience store with gas sales - 3,000 sq. ft. with 6 pumps (maximum 112 fueling stations) and 900 sq. ft. accessory car wash;
- b. **3,820 sq. ft. of financial institution or retail Pod 2 Phase 2; and**

- c. ~~maximum of~~ 74,280 sq. ft. of general retail sales with a maximum one thousand (1,000) square feet increase if approved by the Traffic Division. Any expansion would required approval by the Board of County Commissioners. (DRC: ZONING)

P.6. The following uses shall be prohibited within the MUPD:

- a. retail liquor sales (beer/wine excluded) and/or package stores
- b. pawn shops
- c. adult entertainment
- d. photography studio(s)
- e. tanning salon(s)
- f. auto repair (ONGOING: ZONING/CODE ENF)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Conditions C. 1, P.1 and P.6 of Exhibit C of Resolution R-2000-1 578 are hereby corrected.

Commissioner Roberts moved for the approval of the Resolution.

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

Warren H. Newell, Chair	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus		Aye
Mary McCarty		Absent
Burt Aaronson		Aye
Tony Masilotti		Absent
Addie L. Greene		Aye

The Chair thereupon declared the resolution was duly passed and adopted on February 22, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

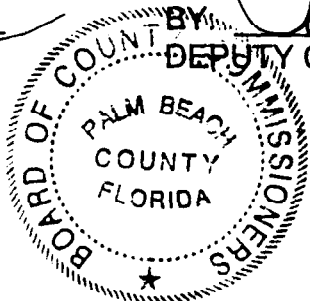


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN TRACTS 56 AND 57, BLOCK 24, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 56, BLOCK 24, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00 DEGREES, 37 MINUTES, 18 SECONDS EAST ALONG THE EAST LINE OF SAID TRACTS 56 AND TRACT 57, BLOCK 24, OF SAID PALM BEACH FARMS COMPANY PLAT No. 3, A DISTANCE OF 1251.68 FEET; THENCE SOUTH 89 DEGREES, 23 MINUTES, 23 SECONDS WEST ALONG A LINE THAT IS 62.0 FEET NORTH OF AND PARALLEL WITH THE CENTERLINE OF CONSTRUCTION FOR LAKE WORTH ROAD, AS SHOWN ON ROAD PLAT BOOK 1, PAGE 128 OF SAID PUBLIC RECORDS, A DISTANCE OF 287.57 FEET; THENCE NORTH 77 DEGREES, 07 MINUTES, 12 SECONDS WEST, A DISTANCE OF 12.86 FEET; THENCE SOUTH 89 DEGREES, 23 MINUTES, 23 SECONDS WEST ALONG A LINE THAT IS 65.0 FEET NORTH OF AND PARALLEL WITH SAID CENTERLINE OF CONSTRUCTION FOR LAKE WORTH ROAD, A DISTANCE OF 280.00 FEET; THENCE NORTH 45 DEGREES, 38 MINUTES, 12 SECONDS WEST ALONG THE NORTH LINE OF THE ADDITIONAL RIGHT OF WAY FOR LAKE WORTH ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 11507 PAGE 780 OF SAID PUBLIC RECORDS, A DISTANCE OF 56.59 FEET; THENCE NORTH 00 DEGREES, 39 MINUTES, 48 SECONDS WEST ALONG THE EAST LINE OF THE ADDITIONAL RIGHT OF WAY FOR LYONS ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5936, PAGE 1405 OF SAID PUBLIC RECORDS, A DISTANCE OF 345.00 FEET; THENCE NORTH 01 DEGREE, 34 MINUTES, 48 SECONDS WEST ALONG THE EAST LINE OF SAID ADDITIONAL RIGHT OF WAY FOR LYONS ROAD, A DISTANCE OF 38.82 FEET; THENCE NORTH 00 DEGREES, 37 MINUTES, 18 SECONDS WEST ALONG THE EAST LINE OF THE ADDITIONAL RIGHT OF WAY FOR LYONS ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 11507 , PAGE 770 OF SAID PUBLIC RECORDS, A DISTANCE OF 206.19 FEET; THENCE NORTH 01 DEGREE, 32 MINUTES, 20 SECONDS WEST ALONG THE EAST LINE OF THE ADDITIONAL RIGHT OF WAY FOR LYONS ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 11507, PAGE 770 OF SAID PUBLIC RECORDS, A DISTANCE OF 230.91 FEET; THENCE NORTH 00 DEGREES, 39 MINUTES, 48 SECONDS WEST ALONG THE EAST LINE OF THE ADDITIONAL RIGHT OF WAY FOR LYONS ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5936, PAGE 1405 OF SAID PUBLIC RECORDS, A DISTANCE OF 387.90 FEET; THENCE NORTH 89 DEGREES, 24 MINUTES, 00 SECONDS EAST ALONG THE NORTH LINE OF SAID TRACT 56, BLOCK 24, A DISTANCE OF 624.98 FEET TO THE POINT OF BEGINNING.

CONTAINING: 17.84 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

EXHIBIT B

