

RESOLUTION NO. R-2001- 1355

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 96-26.3
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-96-816
WHICH APPROVED THE SPECIAL EXCEPTION OF
ROGER DEAN
PETITION NO. 96-26

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 SR 96-26.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 23, 2001; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 96-26.3 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 add or modify conditions of approval; and

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

1. The conditional use is not consistent with the Unified Land Development Code because it has not been reviewed for consistency with Section 6.6.E. "Architectural Guidelines" of the Unified Land Development Code.
2. With the new condition of approval requiring the project to be certified for compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, the conditional use will be consistent with the Unified Land Development Code.
3. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

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. SR 96-26.3, to amend Conditions of Approval of Resolution No. R-96-816, the Class A Conditional Use of Roger Dean, Petition No. 96-26, which to allows a fast food restaurant within the Westgate CRA Overlay District on property legally described as follows: A PARCEL OF LAND SITUATE IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER

(NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 29, THENCE N88°45'36"W, ALONG THE NORTH LINE OF SAID SECTION, A DISTANCE OF 689.26 FEET; THENCES 01°14'24"W A DISTANCE OF 35.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 704, SECTION 93280-25 10, DATED 5/20/88 AND LAST REVISED 12/22/94, AND THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING, THENCE S89°45'36"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 87.01 FEET; THENCE S89°44'55"W A DISTANCE OF 63.01 FEET; THENCE, DEPARTING FROM SAID SOUTHERLY RIGHT-OF-WAY LINE, S01°14'24"W A DISTANCE OF 148.36 FEET TO A LINE 185.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 29; THENCE S88°45'36"E, ALONG SAID PARALLEL LINE, A DISTANCE OF 150.00 FEET; THENCE N01°14'24"E A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.52 ACRE, MORE OR LESS, being located on the south side of Okeechobee Boulevard, approximately 0.25 mile east of Congress Avenue in the CG-General Commercial Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Prior to the issuance of a building permit, the property owner shall submit an application to the Development Review Committee for review and certification that the project is in compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, "Architectural Guidelines." (BLDG PERMIT: MONITORING - Zoning)

Commissioner **McCarty** moved for approval of the Resolution.

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

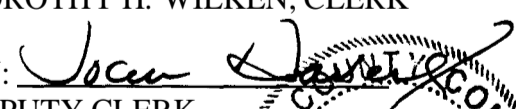
WARREN H. NEWELL, CHAIRMAN	—	Aye
CAROL A. ROBERTS, VICE CHAIR	—	Absent
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Aye
KAREN T. MARCUS	—	Aye
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 23 day of August, 2001.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK

