

RESOLUTION NO. R-2005-1618

RESOLUTION REVOKING REQUESTED USE GRANTED UNDER
RESOLUTION R-1996-820
(CONTROL NUMBER 1973-091)
AFFIRMING THE ADMINISTRATIVE ABANDONMENT
OF ZONING APPLICATION DOA/EAC1973-091C
DECKERS BAR & GRILL

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapters 125 and 163, Florida Statutes, is authorized and empowered to consider petitions related to zoning; and

WHEREAS, Zoning Application DOA/EAC1973-091C was presented to the Board of County Commissioners at a public hearing on June 24, 1996; and

WHEREAS, Resolution R-1996-820 approving this application was adopted by the Board of County Commissioners on June 24, 1996; and

WHEREAS, the Zoning Director has determined the request to administratively abandon the development order of a cocktail lounge and the deletion of Condition A.5, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), meets the requirements contained therein; and

WHEREAS, the Zoning Director has administratively abandoned the development order of a cocktail lounge and the deletion of Condition A.5, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067) and

WHEREAS, the Zoning Director presented the abandonment of the development order of a cocktail lounge and the deletion of Condition A.5 under Exhibit C to the Board of County Commissioners for ratification on August 25, 2005; and

WHEREAS, Article 2.A.1.K (Public Hearing Procedures) of the Palm Beach County Unified Land Development Code requires that 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 Requested Use granted under Resolution R-1996-820, approving Zoning Application DOA/EAC1973-091C, the application of L. W. Jog S.C, Ltd., by Jill Jarkesy, agent, for a Development Order Amendment/Expedited Application to allow a Cocktail Lounge within 250 feet of a residential (requested use) is hereby revoked and the deletion of Condition A.5 is hereby approved.

Commissioner Koons 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:

Tony Masilotti, Chair	-	Aye
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on August 25, 2005.

Filed with the Clerk of the Board of County Commissioners on 25th day of August, 2005.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS
SHARON R BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

A PARCEL OF LAND IN THE NORTHEAST QUARTER (NE ¼) OF SECTION 27, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 27; THENCE SOUTH 00°58'18" WEST (STATE PLANE GRID DATUM), ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 27, A DISTANCE 1339.12 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 27; THENCE SOUTH 88°32'45" EAST, ALONG SAID SOUTH LINE, 80.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD, AND TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN; THENCE CONTINUE SOUTH 88°32'45" EAST, ALONG SAID SOUTH LINE, 933.37 FEET TO THE EAST LINE OF THE WEST HALF (W ½) OF THE EAST HALF (E ½) OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 27; THENCE NORTH 00°55'50" EAST, ALONG SAID EAST LINE, 1104.20 FEET TO A POINT THAT IS 236.03 FEET SOUTH OF THE NORTH LINE OF SECTION 27, AS MEASURED ALONG SAID EAST LINE; THENCE NORTH 89°04'10" WEST 188.18 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY, ALONG AN ARC OF CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 38°19'04", AN ARC LENGTH OF 20.06 FEET TO A NON-TANGENT LINE; THENCE NORTH 02°33'43" WEST 197.51 FEET TO THE SOUTH RIGHT-OF-WAY LINE FOR LAKE WORTH ROAD (S.R.802), BEING A NON-TANGENT CURVE; THENCE WESTERLY, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, BEING AN ARC OF A CURVE CONCAVE TO THE SOUTH, HAVING A CALCULATED RADIUS OF 2798.11 FEET, A CENTRAL ANGLE OF 01°38'18"; A CHORD LENGTH OF 80.00 FEET, WHICH BEARS SOUTH 87°26'17" WEST, AN ARC LENGTH OF 80.00 FEET TO A NON-TANGENT LINE; THENCE SOUTH 02°33' 43" EAST 173.69 FEET TO A NON-TANGENT CURVE; THENCE SOUTHWESTERLY, ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 32°51'53", A CHORD LENGTH OF 16.97 FEET BEARING SOUTH 21°51'23" WEST, AN ARC LENGTH OF 17.21 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY, ALONG AN ARC OF CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 979.00 FEET, A CENTRAL ANGLE OF 22°32'57", AN ARC LENGTH OF 358.29 FEET, TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY, ALONG AN ARC OF CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 149.00 FEET, A CENTRAL ANGLE OF 55°00'46", AN ARC LENGTH OF 143.06 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°55'50" WEST 363.24 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY, ALONG AN ARC OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 41°51'05", AN ARC LENGTH OF 21.91 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 89°01'42" WEST 208.35 FEET TO THE EAST RIGHT-OF-WAY LINE OF JOG ROAD, BEING A LINE THAT IS 80.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 27; THENCE SOUTH 00 58'18" WEST, ALONG SAID LINE, 80.00 FEET; THENCE SOUTH 89°01'42" EAST, 182.90 FEET; THENCE SOUTH 00 55'50" WEST 336.62 FEET; THENCE NORTH 88°32'45" WEST 183.15 FEET TO THE SAID EAST RIGHT-OF-WAY LINE OF JOG ROAD; THENCE SOUTH 00°58'18" WEST, ALONG SAID LINE 38.64 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND IN THE NORTHEAST QUARTER (NE ¼) OF SECTION 27, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST CORNER (NE ¼) OF SECTION 27; THENCE SOUTH 00°58'18" WEST (STATE PLANE CRIDE DATUM), ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 27, A DISTANCE OF 1359.12 FEET TO THE SOUTH LINE OF THE NROTHWEST CORNER (NW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 27 THENCE SOUTH 88°32' 45" EAST, ALONG SAID SOUTH LINE, 80.00 FEET TO THE EASTERLY IRGHT-OF-WAY LINE OF JOG ROAD; THENCE NORTH 00°58'18" EAST, 38.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°58'18" EAST, 335.01 FEET TO A POINT; THENCE SOUTH 89°01'42" EAST, 182.90 FEET TO A POINT; THENCE SOUTH 00°55'50" WEST, 336.62 FEET TO A POINT; THENCE NORTH 88°32'45" WEST, 183.15 FEET TO THE POINT OF BEGINNING.

PARCEL 3

EASEMENT OF THE BENEFIT OF PARCLES 1 AND 2 OF ACCESS OVER AND USE OF THE RETENTION POND ON OUT PARCEL L-4 AS SET FORTH IN PARAGRAPH L.2 OF THE COPERATION AND EASEMENT AGREEMENT DATED MARCH 17, 1986 AND RECORDED APRIL 2, 1986 IN OFFICIAL RECORDS BOOK 4836, PAGE 10, AS MODIFIED BY INSTURAMENT RECORDED IN OFFICIAL RECORDS BOOK 5744, PAGE 1905, OF THE PUBLIC RECORD OF PALM BEACH COUNTY, FLORIDA, SAID OUT PARCEL L-4 BEING MORE PARTICULARLY DESCRIED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 27, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUTN, FLORIDA; THENCE SOUTH 01°22'26" WEST (STATE PLANE GRID DATUM), ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SECTION 27, A DISTANCE OF 653.08 FEET; THENCE SOUTH 88°57'54" EAST, PERPENDICULAR TO THE PREVIOUS COURSE, 80.0 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD AND THE POINT OF BEGINNING; THENCE NORTH 01°22'26" EAST, ALONG SAID RIGHT-OF-WAY LINE AND PARALLEL WITH THE NORTH-SOUTH QUARTER OF SECTION LINE 61.29 FEET; THENCE NORTH 02°16'49" EAST, ALONG SAID RIGHT-OF-WAY LINE 189.64 FEET; THENCE NORTH 01°22'26" EAST, ALONG RIGHT-OF-WAY LINE 18.00 FEET; THENCE SOUTH 88°37'34" EAST, PERPENDICULAR TO THE PREVIOUS COURSE 271.16 FEET TO A NON-TANGENT POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 149.0 FEET, A CENTRAL ANGLE OF 52°40'42", A CHORD LENGTH OF 132.22 FEET WHICH BEARS SOUTH 27°40'35" WEST, AN ARC DISTANCE OF 136.99 FEET TO A POINT OF TANGENCY; THENCE SOUTH 01°20'15" WEST, 150.40 FEET; THENCE NORTH 88°37'34" WEST, ALONG A LINE PERPENDICULAR TO THE NORTH-SOUTH QUARTER SECTION LINE 215.68 FEET TO THE POINT OF BEGINNING.