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RESOLUTION NO. R-2007- 0006

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SHARON R. BOCK
CLERK & COMPTROLLER
BCC SERVICES/MINUTES-PBC

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 2003-041
TO REVOKE THE CONDITIONAL USE "A" APPROVED BY
RESOLUTION NO. R-2003-1761
CONTROL NO. 2003-041
THE PETITION OF JNR PETROLEUM, INC.

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; and

WHEREAS, the notice and hearing requirements as provided for in Article 2.E. of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 2003-041 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 4, 2006; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 2003-041 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to revoke the Conditional Use "A"; and

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

1. The agent for the property owner notified staff that the owner would not seek approval of a time extension.
2. Article 2.E. of the Unified Land Development Code (ULDC) requires staff to determine if previously approved development orders are consistent with the ULDC.
3. Article 15 of the ULDC requires development orders to comply with the Countywide Traffic Performance Standards (TPS).
4. The Countywide Traffic Performance Standards require the submission of a new traffic study for staff to be able to determine if Resolution R-2003-1761 meets current TPS.
5. A new traffic study was not submitted to Palm Beach County.
6. Staff cannot determine if the development order is consistent with the Traffic Performance Standards because a new traffic study has not been submitted.
7. Staff therefore cannot determine if the development order is consistent with the Unified Land Development Code.
8. Article 2.E. only permits the approval of a time extension if a development order is consistent with the ULDC, or can be made consistent by the amendment of conditions of approval.

9. The property owner has not complied with condition number E.2. of Resolution R-2003-1761.
10. The revocation of a conditional use is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Section 5.3 of the 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 2003-041, to revoke the Conditional Use "A" previously granted by the approval of the petition of JNR Petroleum, Inc., Petition No. 2003-041, confirmed by the adoption of Resolution R-2003-1761, which approved a Class A Conditional Use to allow a convenience store with gas sales, on property legally described as: BEGINNING AT THE SOUTHEAST CORNER OF TRACT 2, BLOCK 3, SUBDIVISION OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH PLANTATIONS, AS RECORDED IN PLAT BOOK 10, PAGE 20, OF PALM BEACH COUNTY PUBLIC RECORDS, WHICH POINT IS THE INTERSECTION OF THE CENTERLINE OF MILITARY TRAIL AND FOREST HILL BOULEVARD; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT 2 AND THE CENTERLINE OF FOREST HILL BOULEVARD A DISTANCE OF 203.06 FEET; THENCE NORTHERLY AND PARALLEL TO THE CENTERLINE OF MILITARY TRAIL A DISTANCE OF 203.06 FEET; THENCE EASTERLY AND PARALLEL WITH THE CENTERLINE OF FOREST HILL BOULEVARD A DISTANCE OF 203.06 FEET TO THE CENTERLINE OF MILITARY TRAIL; THENCE SOUTHERLY ALONG THE CENTERLINE OF MILITARY TRAIL A DISTANCE OF 203.06 FEET TO THE POINT OF BEGINNING, SUBJECT TO RIGHT-OF-WAY OF MILITARY TRAIL OVER THE EASTERLY 53.06 FEET THEREOF AND SUBJECT TO RIGHT-OF-WAY OF FOREST HILL BOULEVARD OVER THE SOUTHERLY 53.06 FEET, AND FURTHER LESS THE RIGHT-OF-WAY TO PALM BEACH COUNTY, DATED NOVEMBER 12, 1980 IN OFFICIAL RECORDS BOOK 3402 PAGE 1137, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT ALL THAT CERTAIN LAND SITUATE IN PALM BEACH COUNTY, FLORIDA TO-WIT:

BEING A PARCEL OF LAND LYING IN PART OF TRACT 2, BLOCK 3, OF PLAT NO. 1, PALM BEACH PLANTATIONS (MOBIL LAND COMPANY) AS RECORDED IN PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF MILITARY TRAIL (S.R. 809) AND FOREST HILL BOULEVARD (SOUTHEAST CORNER OF SAID TRACT 2, BLOCK 3); THENCE NORTH 01°30'20" WEST (ASSUMED BEARING) ALONG THE CENTERLINE OF SAID MILITARY TRAIL (A 106' RIGHT-OF-WAY) AS RECORDED IN ROAD PLAT BOOK 3, PAGE 74, OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, A DISTANCE OF 203.07 FEET;

THENCE NORTH 88°46'02" WEST, A DISTANCE OF 53.06 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID MILITARY TRAIL, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION:

THENCE SOUTH 01°30'20" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 116.76 FEET.

THENCE SOUTH 44°51'49" WEST, A DISTANCE OF 36.20 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF SAID FOREST HILL BOULEVARD (A 120 FOOT RIGHT-OF-WAY);

THENCE NORTH 88°46'02" WEST ALONG SAID NORTH RIGHT-OF -WAY LINE, A DISTANCE OF 7.00 FEET;

THENCE NORTH 44°51'49" EAST, A DISTANCE OF 36.20 FEET; THENCE NORTH 01°30'20" WEST ALONG A LINE THAT IS 7.00 FEET WEST OF AND PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF SAID MILITARY TRAIL, A DISTANCE OF 116.77 FEET; THENCE SOUTH 88°46'02" EAST, A DISTANCE OF 7.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.023+ ACRES, MORE OR LESS

BEING THE SAME PROPERTY CONVEYED FROM CHEVRON, U.S.A., INC. TO PALM BEACH COUNTY BY RIGHT OF WAY WARRANTY DEED DATED MARCH 27, 1985, RECORDED IN OFFICIAL RECORDS BOOK 4578, AT PAGE 807, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SITE AREA CONTAINING 0.461 ACRES, being located on the northwest corner of Forest Hill Boulevard and Military Trail, in the General Commercial Zoning District, is approved.

Commissioner Koons moved for approval of the Resolution.

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

ADDIE L. GREENE, CHAIRPERSON	<u>Aye</u>
JOHN F. KOONS, VICE CHAIR	<u>Aye</u>
KAREN T. MARCUS	<u>Aye</u>
WARREN H. NEWELL	<u>Aye</u>
MARY MCCARTY	<u>Aye</u>
BURT AARONSON	<u>Absent</u>
JESS R. SANTAMARIA	<u>Aye</u>

The Chair thereupon declared the resolution was duly passed and adopted this 4th day of January, 2007.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON R. BOCK, CLERK AND COMPTROLLER
BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 4th day of January, 2007.