

RESOLUTION NO. R-2010-0438

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. STR-1988-0094-1
TO APPROVE A ZONING MAP AMENDMENT
FOR PROPERTY PREVIOUSLY REZONED BY
RESOLUTION NO. R-2006-1187
CONTROL NO. 1988-0094
APPLICATION NO. PDD/R-2005-01122
THE APPLICATION OF Amoco Oil

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 **STR-1988-0094-1** was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on March 31, 2010; and

WHEREAS, the Board of County Commissioners has reviewed Status Report STR-1988-0094-1 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 approve a zoning map amendment; and

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

1. Development has not commenced for the site as required by Article 2.E, Monitoring, of the ULDC;
2. The existing business on the site does not conform to the requirements of the Zoning District approved by R-2006-1187;
3. The property owner wishes to use the existing business and requested that the rezoning approved by R-2006-1187 and R-2006-1188 be revoked and the property rezoned to allow the current use;
4. The Palm Beach County Unified Land Development Code (ULDC) allows the BCC to "adopt a resolution which will rezone the property to an appropriate zoning district;"
5. The appropriate Zoning District to allow the current use is Commercial High (CG) with a Conditional Use A to allow a convenience store with gas sales and an accessory automatic car wash;

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. STR-1988-0094-1, to approve a zoning map amendment to the General Commercial (CG) zoning district for property previously rezoned by the approval of the application of Amoco Oil, Control No. 1988-0094, confirmed by the adoption of Resolution R-2006-1187, which approved a rezoning to Multiple Use Planned Development (MUPD) in the Commercial High Land Use, on property legally described as PARCEL 1:

THE SOUTH 90.02 FEET OF TRACT B, AND THE NORTH 72.50 FEET OF TRACT C, BLOCT 65, OF THE PALM BEACH FARMS COMPANY PLAT NO. 7 OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT FILED WITH THE

CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 5, PAGE 72, ALL LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF 6th AVENUE SOUTH AND WEST OF THE WEST RIGHT-OF-WAY LINE OF SR 807 (CONGRESS AVENUE). AS RECORDED IN OFFICIAL RECORDS BOOK 4269. PAGE 499 (NORTH 1' OF PARCEL 1) AND OFFICIAL RECORDS BOOK 6093. PAGE 476 (NORTH 17.5 FEET, THE EAST 4 FEET, AND THE CORNER CLIP)

PARCEL 2:

THE POINT OF BEGINNING BEING 3.5 FEET NORTH OF THE LINE BETWEEN TRACTS "C" AND "D", BLOCK 65, PALM BEACH FARMS COMPANY PLAT NO. 7, SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST; THENCE WESTERLY A DISTANCE OF 107.4 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE MEASURED FROM WEST TO SOUTHWEST OF 41 DEGREES 26' FOR A DISTANCE OF 56.35 FEET TO A POINT; THENCE WESTERLY A DISTANCE OF 157.75 FEET TO A POINT ON THE WEST LINE OF TRACT 'D' AFORESAID; THENCE NORTHERLY ALONG THE WEST LINE OF TRACTS "D" AND "C", AFORESAID, FOR A DISTANCE OF 97.29 FEET TO A POINT; THENCE EASTERLY A DISTANCE OF 307.4 FEET TO A POINT ON THE EAST LINE OF TRACT "C", AFORESAID, THENCE SOUTHERLY ALONG EAST LINE OF TRACT "C", A DISTANCE OF 60 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT LAND DESCRIBED IN RIGHT-OF WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 6093, PAGE 463 (THE EAST 4.00 FEET THEREOF.)

being located on the Southwest corner of Congress Avenue and 6th Avenue South, is approved

The foregoing Resolution was offered by Commissioner Marcus Vana who moved its adoption. The motion was seconded by Commissioner Marcus Vana and, upon being put to a vote, the vote was as follows:

Commissioner Burt Aaronson, Chairman	—	Aye
Commissioner Karen T. Marcus, Vice Chair	—	Aye
Commissioner Jeff Koons	—	Aye
Commissioner Shelley Vana	—	Aye
Commissioner Steven L. Abrams	—	Aye
Commissioner Jess R. Santamaria	—	Aye
Commissioner Priscilla A. Taylor	—	Aye

The Chair thereupon declared the resolution duly passed and adopted this 31st day of March, 2010

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK AND COMPTROLLER

By: [Signature]
Assistant County Attorney

By: [Signature]
Deputy Clerk



Filed with the Clerk of the Board of County Commissioners on the 2nd day of April, 2010.