

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. STR-2007-00407-1
TO REVOKE THE CLASS A CONDITIONAL USE APPROVED BY
RESOLUTION NO. R-2008-1801
CONTROL NO. 2007-0407
APPLICATION NO. ZV/CA-2007-01801
THE PETITION OF JOMAR FLORIDA ENTERPRISES, LLC

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-2007-00407-1 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on December 1, 2011; and

WHEREAS, the Board of County Commissioners has reviewed Status Report December 1, 2011, 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 Class A Conditional Use, and

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

1. This project was approved on July 24, 2008;
2. The Development Order has not commenced; and
3. Palm Beach County Unified Land Development Code (ULDC) allows staff to recommend revocation of a Development Order that has not yet commenced.

WHEREAS, Article 2.A.1.K.3.b (Action by the BCC) of the Palm Beach County Unified 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. 2007-0407, to revoke the Class A Conditional Use to allow Repair and Maintenance, General; Dispatching Office for four or more vehicles; and Restaurant, Type I previously granted by the approval of Zoning Application ZV/CA-2007-01801, Control No. 2007-0407, confirmed by the adoption of Resolution R-2008-1356, on

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 center line of Military Trail and Forest Hill Boulevard, thence Westerly along the South line of said Tract 2 and the center line of Forest Hill Boulevard a distance of 203.06 feet; thence Northerly and parallel to the center line of Military Trail a distance of 203.06 feet; thence Easterly and parallel to the center line of Forest Hill Boulevard a distance of 203.06 feet to the centerline of Military Trail; thence Southerly along the center line of Military Trail, a distance of 203.06 feet to the Point of Beginning, LESS the Right of Way of Military Trail over the Easterly 53.06 feet thereof and Less the Right of Way of Forest Hill Boulevard over the Southerly 53.06 feet thereof; and 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 Tract 2, Block 3, PALM BEACH PLANTATIONS, 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 center line of Military Trail (S.R. 809) and Forest Hill Boulevard (Southeast corner of 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, being located on the Northwest corner of Military Trail and Forest Hill Blvd, in the UC Zoning District, is approved.

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

Commissioner Shelley Vana, Chair	<u>Aye</u>
Commissioner Steven L. Abrams, Vice Chairman	<u>Aye</u>
Commissioner Karen T. Marcus	<u>Aye</u>
Commissioner Paulette Burdick	<u>Aye</u>
Commissioner Burt Aaronson	<u>Aye</u>
Commissioner Jess R. Santamaria	<u>Absent</u>
Commissioner Priscilla A. Taylor	<u>Aye</u>

The Chair thereupon declared the resolution duly passed and adopted this 1st day of December, 2011.

Filed with the Clerk of the Board of County Commissioners on the 14th day of December, 2011.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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

By: [Signature]
County Attorney

SHARON R. BOCK, CLERK AND COMPTROLLER
By: [Signature]
Deputy Clerk

