

RESOLUTION NO. R-2013-0975

RESOLUTION REVOKING RESOLUTION R-1975-00463
(CONTROL NUMBER 1975-00069)
AFFIRMING THE LEGISLATIVE ABANDONMENT
OF A SPECIAL EXCEPTION FOR A MOTEL
OF ZONING APPLICATION ABN/DOA/R-2013-00497

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 1975-00069 was presented to the Board of County Commissioners at a public hearing on 26 day of June 1975; and

WHEREAS, Resolution R-1975-00463 approving this application was adopted by the Board of County Commissioners on 26 day of June 1975; and

WHEREAS, the Zoning Director has determined the request to legislatively abandon a Special Exception for a Motel within the Development Order, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended), meets the requirements contained therein; and

WHEREAS, the Board of County Commissioners has legislatively abandoned the Special Exception for a Motel within the Development Order, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) and

WHEREAS, the Zoning Director presented the abandonment of the Special Exception for a Motel within the Development Order to the Board of County Commissioners for ratification on the 25 day of July; and

WHEREAS, Article 2.A.1.K (Public Hearing Procedures) of the Palm Beach County Unified Land Development Code (ULDC) 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 Resolution R-1975-00463, approving Zoning Application 1975-00069, the petition of The Estate of William H. Dyer and National Financial Services, by William R. Boose, Attorney, for a rezoning to Neighborhood Commercial (CN) in part and Residential Multiple Family district in part to General Commercial (CG) and a Special Exception to allow a Large Scale Planned Community Commercial and Shopping Complex including a motel, gasoline service station and financial institution is hereby revoked in part.

Commissioner Taylor moved for the approval of the Resolution.

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

Commissioner Steven L. Abrams, Mayor	-	Aye
Commissioner Priscilla A. Taylor, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 2013.

Filed with the Clerk of the Board of County Commissioners on 26th day of July, 2013.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

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

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION
WELLTREAT AT SAM'S WHOLESALE CLUB PLAZA
(Official Record Book 23842, Page 1919)

(PARCEL 1)

PARCEL 2, OF HY-CREST CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 64, PAGE 177 AND 178, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THE WATER MANAGEMENT TRACT AS SHOWN ON SAID PLAT. ALSO LESS AND EXCEPT FROM THE ABOVE LANDS THAT PORTION CONVEYED BY SPECIAL WARRANTY DEED RECORDED FEBRUARY 12, 2004 IN OFFICIAL RECORDS BOOK 16544, PAGE 1289, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST COMER OF SAID PARCEL 2, THENCE NORTH 61 DEGREES 09 MINUTES 47 SECONDS EAST ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL 2 AND ALONG THE SOUTHERLY RIGHT-OF WAY OF HYPOLUXO ROAD PER PALM BEACH COUNTY RIGHT-OF-WAY MAP I-95 TO U.S. NO. 1 PALM BEACH COUNTY PROJECT NO.860918 DRAWING NO. 860918 SHEET 7 OF 50 A DISTANCE OF 79.15 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS AND THE POINT OF BEGINNING; (1) THENCE SOUTHEASTERLY ALONG ARC OF SAID CURVE A DISTANCE OF 23.56 FEET; (2) THENCE SOUTH 28 DEGREES 50 MINUTES 13 SECONDS EAST A DISTANCE OF 10.00 FEET; (3) THENCE SOUTH 11 DEGREES 31 MINUTES 20 SECONDS EAST A DISTANCE OF 21.97 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 45.00 FEET AND A CENTRAL ANGLE OF 29 DEGREES 12 MINUTES 27 SECONDS; TO WHICH POINT OF INTERSECTION A RADIAL LINE BEARS NORTH 37 DEGREES 17 MINUTES 59 SECONDS WEST; (4) THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 22.94 FEET; (5) THENCE NORTH 82 DEGREES 34 MINUTES 36 SECONDS WEST A DISTANCE OF 17.26 FEET; (6) THENCE SOUTH 07 DEGREES 25 MINUTES 24 SECONDS WEST A DISTANCE OF 80.19 FEET; THE PREVIOUS SIX (6) COURSES BEING ALONG THE WESTERLY LINES OF SAID PARCEL 2 AND THE EASTERLY LINES OF THE WATER MANAGEMENT TRACT; THENCE SOUTH 87 DEGREES 27 MINUTES 43 SECONDS EAST A DISTANCE OF 255.59 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID PARCEL 2; THENCE NORTH 02 DEGREES 29 MINUTES 14 SECONDS EAST ALONG SAID EASTERLY BOUNDARY AND ALONG THE WESTERLY BOUNDARY OF PARCEL 3, A DISTANCE OF 205.62 FEET TO THE NORTHERLY BOUNDARY OF SAID PARCEL 2 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF HYPOLUXO ROAD; (1) THENCE SOUTH 78 DEGREES 28 MINUTES 40 SECONDS WEST A DISTANCE OF 224.23 FEET; (2) THENCE SOUTH 61 DEGREES 09 MINUTES 47 SECONDS WEST A DISTANCE OF 37.29 FEET TO THE POINT OF BEGINNING. THE PREVIOUS TWO (2) COURSES BEING ALONG SAID NORTHERLY BOUNDARY AND ALONG SAID SOUTHERLY RIGHT-OF-WAY.SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.