

RESOLUTION NO. R-2022-0273

RESOLUTION REVOKING RESOLUTION R-2016-0828
(CONTROL NUMBER 1977-00041)
AFFIRMING THE LEGISLATIVE ABANDONMENT
OF ZONING APPLICATION ABN/DOA-2021-01030

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 applications related to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 as amended have been satisfied;

WHEREAS, Zoning Application ZV/DOA/R-2015-02146 was presented to the Board of County Commissioners at a public hearing on June 23, 2016;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Abandonment;

WHEREAS, Resolution R-2016-0828 was adopted by the Board of County Commissioners on June 23, 2016.

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the 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-2016-0828 approving Zoning Application ZV/DOA/R-2015-02146 the application of Cherry Road Plaza LLC, AATC Realty LLC, by Jon E Schmidt & Associates Agent, for a Requested Use to allow a General Repair and Maintenance is hereby revoked.

Commissioner Weiss moved for the approval of the Resolution.

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

Commissioner Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Absent
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 24, 2022.

Filed with the Clerk of the Board of County Commissioners on March 24th, 2022.

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: 
COUNTY ATTORNEY

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION (PCN's: 00-42-43-25-00-000-5030, 00-42-43-25-00-000-5040 & 00-42-43-25-00-000-5073)

The Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida less the right-of-way for State Road 809 (Military Trail) and less the West 130' of the South 150' of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida.

AND

A parcel of land in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows: Beginning at the NE corner of the SW Quarter of the NW Quarter of the SE Quarter of said Section 25, thence westerly along the North line of the SW Quarter of the NW Quarter of the SE Quarter a distance of 369.8 feet, more or less, to a point in a line parallel with and 303 feet easterly from the North-South Quarter Section line of said Section 25; thence southerly along said parallel line a distance of 125.66 feet, more or less, to the northerly right-of-way line of Cherry Road Extension, as shown on map by Palm Beach County Engineer; said point on the North right-of-way line of Cherry Road Extension being in the arc of a curve concave to the North and having a radius of 770 feet; thence easterly along the North right-of-way line of Cherry Road Extension and the arc of said curve a distance of 35.85 feet to a tangent to said curve; thence along said tangent, a distance of 117.62 feet to the P.C. of a curve concave to the South and having a radius of 830 feet; thence continue easterly along the northerly right-of-way line of Cherry Road Extension and the arc of said curve, a distance of 202.81 feet, to the tangent to said curve; thence easterly along the tangent, a distance of 20.15 feet, more or less, to the East line of the SW Quarter of the NW Quarter of the SE Quarter of said Section 25; thence northerly along said East line, a distance of 63.25 feet, more or less, to the POINT OF BEGINNING

Excepting therefrom the North 280 feet.

Excepting therefrom a 7 foot additional right-of-way for State Road 809 as recorded on Official Record Book 3283, page 1114 through 1117 of the Public Records of Palm Beach County, Florida.

Excepting therefrom the following described parcel:

Being a part of the Southeast quarter (SE 1/4) of Section 25, Township 43 South, Range 42 East more particularly described as follows:

Commencing at the Northeast corner of the Southwest quarter (SW 1/4) of the Northwest quarter (NW 1/4) of the Southeast quarter (SE 1/4) of Section 25, thence South 0°02'33" West along the easterly line of the Southwest quarter (SW 1/4) of the Northwest quarter (NW 1/4) of the Southeast quarter (SE 1/4) 63.45 feet to the northerly right-of-way line of Cherry Road; thence South 89°40'53" West along the northerly right-of-way line of Cherry Road 20.65 feet to a point of curvature; thence southwesterly along the northerly right-of-way line and the arc of a curve concave to the South having a radius of 830.0 feet and a central angle of 12°52'29" a distance of 186.51 feet to the POINT OF BEGINNING, thence continuing southwesterly along the northerly right-of-way line of Cherry Road and along the arc of a curve concave to the South having a radius of 830.0 feet and a central angle of 1°06'16" a distance of 16.0 feet to a point of tangency; thence South 75°42'02" West, continuing along the North right-of-way line of Cherry Road 117.62 feet to a point of curvature; thence southwesterly continuing along the northerly right-of-way line of Cherry Road and the arc of a curve concave to the Northwest having a radius of 770.0 feet and a central angle of 2°39'28" a distance of

35.72 feet; thence North 0°00'12" West 125.53 feet to the North line of the Southwest quarter (SW 1/4) of the Northwest quarter (NW 1/4) of the Southeast quarter (SE 1/4); thence South 89°51'59" West along said North line 120.0 feet to a line 183.0 feet East of and parallel with the West line of the Southeast quarter (SE 1/4), thence North 0°00'14" West parallel to the West line of the Southeast quarter (SE 1/4) 150.0 feet; thence North 89°51'48" East 284.59' ; thence South 0°00'12" East 235.0 feet to the POINT OF BEGINNING.

ALSO, Excepting therefrom the following described parcel:

A parcel of land in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, described as follows: Commencing at the Northwest corner of the Southeast Quarter of said Section 25, Thence South 00°00'12" East, along the West line of the Southeast Quarter of said Section 25, a distance of 280.00 feet to a point of intersection with a line parallel with and 280.00 feet South of, as measured at right angles to, the North line of the Southeast Quarter of said Section 25; thence North 89°46'48" East, along said parallel line, a distance of 60.00 feet to a point of intersection with the East right-of-way line of Military Trail (SR 809), and the Point of Beginning for the herein described parcel: Thence continue North 89°46'48" East a distance of 180.92 feet; thence South 00°00'12" East a distance of 224.18 feet; thence South 89°51'48" West a distance of 29.65 feet; thence South 00°08'12" East a distance of 20.00 feet; to a point of intersection with a line parallel with and 150.00 feet North of, as measured at right angles to, the South line of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of said Section 25; thence South 89°51'48" West, along said parallel line a distance of 151.32 feet to a point of intersection with the East right-of-way line of said Military Trail; thence North 00°00'12" West, along said right-of-way line, a distance of 243.92 feet to the POINT OF BEGINNING.

LEGAL DESCRIPTION (PCN: 00-42-43-25-00-000-5400)

A parcel of land in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, described as follows: Commencing at the Northwest corner of the Southeast Quarter of said Section 25, Thence South 00°00'12" East, along the West line of the Southeast Quarter of said Section 25, a distance of 280.00 feet to a point of intersection with a line parallel with and 280.00 feet South of, as measured at right angles to, the North line of the Southeast Quarter of said Section 25; Thence North 89°46'48" East, along said parallel line, a distance of 60.00 feet to a point of intersection with the East right- of-way line of Military Trail (S.R. 809), and the Point of Beginning for the herein described parcel; Thence continue North 89°46'48" East, a distance of 180.92 feet; Thence South 00°00'12" East, a distance of 224.18 feet; Thence South 89°51'48" West, a distance of 29.65 feet; Thence South 00°08'12" East, a distance of 20.00 feet to a point of intersection with a line parallel with and 150.00 feet North of, as measured at right angles to, the South line of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of said Section 25; Thence South 89°51'48" West, along said parallel line a distance of 151.32 feet to a point of intersection with the East right-of-way line of said Military Trail; Thence North 00°00'12" West, along said right-of-way line, a distance of 243.92 feet to the Point of Beginning.

LEGAL DESCRIPTION (PCN: 00-42-43-25-00-000-5350)

Parcel A:

Being a part of the Southeast quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Northeast corner of the Southwest quarter of the Northwest quarter of the Southeast quarter of Section 25; thence South 00°02'33" West along the Easterly line of the Southwest quarter of the Northwest quarter if the Southeast quarter, 63.45 feet to the Northerly right-of-way line of Cherry Road; thence South 89°40'53" West, along the Northerly right-of-way line of Cherry Road 20.65 feet to a point of curvature;

thence Southwesterly along the Northerly right-of-way line and the arc of a curve concave to the South having a radius of 830.00 feet and a central angle of 12°52'29", a distance of 186.51 feet to the Point of Beginning; thence continuing Southwesterly along the Northerly right-of-way line of Cherry Road and along the arc of a curve concave to the South having a radius of 830.00 feet and a central angle of 01°06'16", a distance of 16.0 feet to a point of tangency; thence South 75°42'02" West, continuing along the North right-of-way line of Cherry Road, 117.62 feet to a point of curvature; thence Southwesterly continuing along the Northerly right-of-way line of Cherry Road and the arc of a curve concave to the Northwest having a radius of 770.00 feet and a central angle of 02°39'28" a distance of 35.72 feet; thence North 00°00'12" West, 125.53 feet to the North line of the Southwest quarter of the Northwest quarter of the Southeast quarter; thence South 89°51'59" West, along said North line 120.00 feet to a line 183.00 feet East of and parallel with the West line of the Southeast quarter; thence North 00°00'14" West, parallel to the West line of the Southeast quarter, 150.00 feet; thence North 89°51'48" East, 284.59 feet; thence South 00°00'12" East, 235.00 feet to the Point of Beginning.

Parcel B:

Ingress and egress easement over the Mr.Bubbles, Inc. property to and from Military Trail, contained in Declaration of Reciprocal Easements, Covenants and Maintenance of Mr.Bubbles Auto Care Center, recorded January 24, 1989, in Official Records Book 5945, Page 604, of the Public Records of Palm Beach County, Florida.

Containing 3.48 Acres, more or less

EXHIBIT B
VICINITY SKETCH

