

RESOLUTION NO. R-2004- 0517

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 1999-029  
TO APPROVE A DEVELOPMENT ORDER AMENDMENT  
FOR PROPERTY PREVIOUSLY GRANTED A CONDITIONAL USE "A" BY  
RESOLUTION NO. R-2000-0120  
APPROVING THE PETITION OF MONADYLINA PROPERTIES, INC.  
PETITION NO. 1999-029

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 Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 1999-029 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on March 25, 2004; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1999-029 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County Unified Land Development Code authorizes the Board of County Commissioners to approve development order amendments; and

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

1. A site plan was certified prior to the effect date of the latest amendment of the Palm Beach County Unified Land Development Code (ULDC).
2. A new site plan must be certified to ensure consistency with the ULDC.
3. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Palm Beach County 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 1999-029, to approve a Development Order Amendment to amend Conditions of Approval of Resolution No. R-2000-0120, the development order previously granted by the approval of the petition of Monadylina Properties, Inc., Petition No. 1999-029, confirmed by the adoption of

Resolution R-2000-0120, which approved a Conditional Use "A" to allow a convenience store with gas sales and expansion of indoor entertainment and office use, on THE NORTH 420.00 FEET OF THE WEST 477.80 FEET OF TRACT 1 BLOCK 67, PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54 INCLUSIVE, PALM BEACH COUNTY RECORDS.

TOGETHER WITH:

A PORTION OF TRACT 1 BLOCK 67, PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 41 EAST; THENCE SOUTH 88°44'06" WEST ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 6.77 FEET TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515; THENCE SOUTH 00°18'44" EAST ALONG SAID BASELINE OF SURVEY A DISTANCE OF 2.58 FEET; THENCE SOUTH 00°39'54" EAST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 57.24 FEET; THENCE SOUTH 89°20'06" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 235.08 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (US 441): AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515 AND THE POINT OF BEGINNING; THENCE SOUTH 00°34'56" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 420.01 FEET; THENCE SOUTH 89°06'45" WEST, A DISTANCE OF 51.42 FEET; THENCE NORTH 00°47'54" WEST, A DISTANCE OF 420.01 FEET; THENCE NORTH 89°06'45" EAST ALONG THE NORTH LINE OF SAID TRACT 1, A DISTANCE OF 53.00 FEET TO THE POINT OF BEGINNING

CONTAINING 2.0680 HECTARES (5.1103 ACRES) MORE OR LESS, being located on the southwest corner of SR7/US 441 and West Atlantic Avenue, in the AGR - Agricultural Reserve Zoning District, is approved subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Prior to the issuance of a building permit, the property owner shall have a new site plan approved by the Development Review Officer (DRO) which complies with the Unified Land Development

Code. (BLDG PERMIT: MONITORING - Zoning)

Commissioner **McCarty** moved for approval of the Resolution.

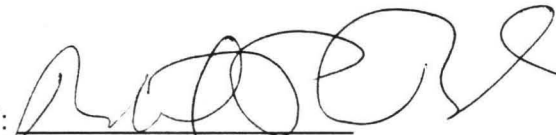
The motion was seconded by Commissioner **Aaronson** and, upon being put to a vote, the vote was as follows:

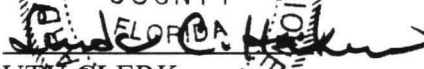
KAREN T. MARCUS, CHAIR	—	Absent
TONY MASILOTTI, VICE CHAIRMAN	—	Aye
JEFF KOONS	—	Absent
WARREN H. NEWELL	—	Aye
MARY MCCARTY	—	Aye
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 25 day of March, 2004.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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

BY:   
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK  
BY:   
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 14 day of April, 2004.