

RESOLUTION NO. R-2009- 2086

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2008-01358
(CONTROL NO. 1999-00029)
Class A Conditional Use
APPLICATION OF BDG Delray LLC
BY Jon E Schmidt & Associates, AGENT
(Stop and Shop)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application DOA/CA-2008-01358 was presented to the Board of County Commissioners at a public hearing conducted on December 8, 2009; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Class A Conditional Use.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

WHEREAS, the Class A Conditional Use is subject to the Conditions of Approval as indicated in the staff report and contained within the resolution for the Development Order Amendment for the same application DOA/CA-2008-01358.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA/CA-2008-01358, the petition of BDG Delray LLC, by Jon E Schmidt & Associates, agent, for a Class A Conditional Use to allow for the expansion of the previously approved Convenience Store with Gas Sales in the Agricultural Reserve (AGR) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on December 8, 2009, subject to the conditions of approval as contained within the resolution for the Development Order Amendment for the same application DOA/CA-2008-1358.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on December 8, 2009.

Filed with the Clerk of the Board of County Commissioners on December 9, 2009.

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:



DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

The North 420.00 feet of the West 477.80 feet of Tract 1, Block 67 of THE PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 45 to 54 inclusive, Palm Beach County Records.

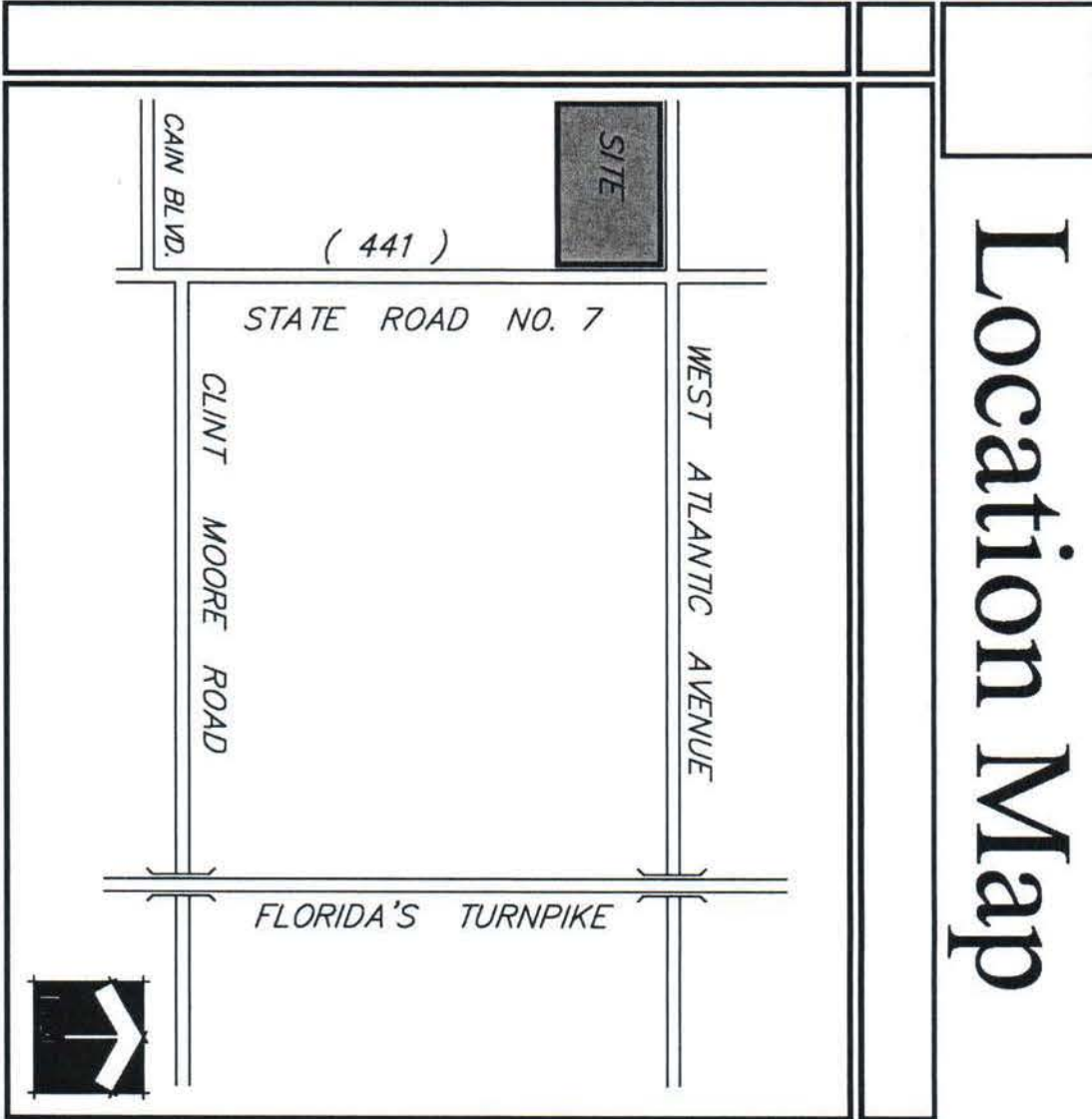
TOGETHER WITH:

A portion of Tract 1, Block 67 of THE 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 42 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 Existing Right of Way line for said State Road 7 (U.S. 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 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.

EXHIBIT B
VICINITY SKETCH



Location Map