

RESOLUTION NO. R-2016-1828

RESOLUTION APPROVING ZONING APPLICATION ZV/CB/Z/CA-2015-02346
(CONTROL NO. 2009-02311)
an Official Zoning Map Amendment
APPLICATION OF Chinhoi of The Palm Beaches LLC
BY PLACE Planning & Design, AGENT
(Speedy Tires)

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;

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

WHEREAS, Zoning Application ZV/CB/Z/CA-2015-02346 was presented to the Board of County Commissioners at a public hearing conducted on December 7, 2016;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review 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 Process) for an Official Zoning Map Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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.A.1.K.3.b (Action by BCC) of the ULDC 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 Zoning Application ZV/CB/Z/CA-2015-02346, the Application of Chinhoi of The Palm Beaches LLC, by PLACE Planning & Design, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Neighborhood Commercial (CN) and the Residential Multi-family (RM) Zoning Districts to the General Commercial (CG) Zoning District, on a parcel of land generally described as shown on the legal description 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 7, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	-	Aye
Commissioner Melissa McKinlay, Vice Mayor	-	Absent
Commissioner Hal R. Valeche	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	
Commissioner Mack Bernard	-	Aye
		Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on December 7, 2016.

Filed with the Clerk of the Board of County Commissioners on December 19th, 2016

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

A parcel of land lying within Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida, thence North $01^{\circ}32'37''$ East along the West line of said Section 29 a distance of 2510.77 feet; thence departing said West line South $88^{\circ}26'54''$ East along the North line of the North 125 feet of the South 2510.77 feet of the West 560 feet of said Section 29 a distance of 1.44 feet to a point on the centerline of Congress Avenue (100.0 feet wide right-of-way) as described in Book 1394, Page 56 of the Official Records of Palm Beach County, Florida; thence continuing along said North line South $88^{\circ}26'54''$ East a distance of 50.02 feet to a point on the East right-of-way line of said Congress Avenue and the **Point of Beginning**.

Thence continuing South $88^{\circ}26'54''$ East along said North line and the North line of the North 125 feet of the South 2510.77 feet of the West 660 feet of said Section 29 a distance of 608.54 feet; thence departing said North line South $01^{\circ}32'37''$ West along a line 660 feet East of and parallel with said West line of Section 29 a distance of 208.75 feet; thence North $88^{\circ}38'33''$ West along the prolongation of the centerline of a private road as described in Book 27160, Page 93 of said Official Records a distance of 100.00 feet; thence departing said centerline North $01^{\circ}32'37''$ East a distance of 84.09 feet to a point on the South line of said North 125 feet of the South 2510.77 feet of the West 560 feet of Section 29; thence along said South line North $88^{\circ}26'54''$ West a distance of 99.66 feet; thence departing said South line

South $01^{\circ}44'16''$ West a distance of 85.62 feet; thence North $88^{\circ}21'21''$ West a distance of 300.00 feet; thence North $01^{\circ}44'16''$ East a distance of 10.00 feet; thence North $88^{\circ}21'21''$ West a distance of 41.84 feet to a point on the Easterly right-of-way line of Old Congress Avenue (66.0 feet wide) as described in Book 1421, Pages 307-316 of said Official Records; thence along said Easterly right-of-way line North $24^{\circ}46'21''$ West a distance of 145.41 feet to a point on the East right-of-way line of said Congress Avenue as described in Book 1394, Page 56 of said Official Records; thence along said East right-of-way line of Congress Avenue North $0^{\circ}21'44''$ West a distance of 69.77 feet to the **Point of Beginning**, and containing 2.61 acres plus or minus.

Formerly described as:

Parcel 1:

The North 125 feet of the South 2510.77 feet of the West 560 feet of Section 29, Township 43 South, Range 43 East, lands lying and being in Palm Beach County, Florida.

Less and except lands described in Warranty Deed recorded in O.R. Book 1394, Page 56, Public Records of Palm Beach County, Florida, more particularly described as follows:

A parcel of land in the North 125 feet of the South 2510 feet of the West 660 feet of Section 29, Township 43 South, Range 43 East, Palm Beach County, Fla., which lies within 50 feet of, measured at right angles to, the following described Baseline of Survey for the realignment Congress Ave. to-wit: Beginning at the Southwest corner of Section 29, Township 43 South, Range 43 East, run S. 89 deg. 58 min. 43 sec. East a distance of 17.44 feet to a point in the South line of said Section 29 and the point of commencement of the herein described Baseline of Survey; thence run N. 1 deg. 13 min. 35 sec. East a distance of 397.14 feet to the beginning of a curve concave to the East having a delta of 0 deg. 54 min. 17 sec. and a radius of 5729.60 feet, run along the arc of said curve 90.47 feet; thence run N. 2 deg. 07 min. 52 sec. a distance of 200.00 feet to the beginning of a curve concave to the West having a delta of 2 deg. 07 min. 52 sec. and a radius of 5729.60 feet; run along the arc of said curve 213.11 feet; thence continue due North a distance of 712.03 feet to the beginning of a curve concave to the West and having a delta of 3 deg. 05 min. 26 sec. and a radius of 5729.60 feet, run along the arc of said curve 309.06 feet; thence run N. 3 deg. 05 min. 26 sec. West a distance of 432.82 feet to the beginning of a curve concave to the East and having a delta of 3 deg. 05 min. 26 sec. and a radius of 5729.60 feet, run along said curve 809.06 feet to a point in the South R/W line of Lake Worth Drainage District L-2 Canal and the end of the herein described Baseline of

Survey.

Parcel 2:

A parcel of land in Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida; said parcel of land being more particularly described as follows:

Commencing at the Southwest corner of said Section 29; thence, North along the West line of said Section 29, a distance of 2385.76 feet; thence, North 89 degrees 48 minutes 50 seconds East, a distance of 78.95 feet to a point in the East Right-of-Way line of "Old Congress Avenue"; thence, continue North 89 degrees 48 minutes 50 seconds East, a distance of 281.05 feet; thence, South a distance of 85.46 feet; thence, South 89 degrees 54 minutes 25 seconds West, a distance of 200.00 feet; thence, North a distance of 10.00 feet; thence, South 89 degrees 54 minutes 25 seconds West, a distance of 43.03 feet to a point in the aforementioned East Right-of-Way line of "Old Congress Avenue"; thence, North 26 degrees 24 minutes 07 seconds West, along said Right-of-Way line, a distance of 84.24 feet to the Point of Beginning.

AND

A parcel of land in Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida; said parcel of land being more particularly described as follows:

Commencing at the Southwest corner of said Section 29; thence, North along the West line of said Section 29, a distance of 2385.76 feet; thence, North 89 degrees 48 minutes 50 seconds East, a distance of 360.00 feet to the Point of Beginning; thence, continue North 89 degrees 48 minutes 50 seconds East, a distance of 100.00 feet; thence, South a distance of 85.62 feet; thence, South 89 degrees 54 minutes 25 seconds West, a distance of 100.00 feet; thence, North a distance of 86.46 feet to the Point of Beginning.

Parcel 3:

The East 100 feet of the North 125 feet of the South 2510.75 feet of the West 660 feet of Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida.

AND

A parcel of land in Section 29, Township 43 South, Range 43 East, more particularly described as follows:

Beginning at a point in the West line of Section 29, Township 43 South, Range 43 East, 2215.88 feet North of the Southwest corner of said Section; thence Easterly at an angle of 90 degrees 05 minutes 35 seconds measured from South to East, a distance of 560 feet; thence Northerly and parallel with the said West line of Section 29, a distance of 85 feet to the center line of a private road, which point is the Point of Beginning of the tract of land to be herein described; thence continuing on the same course a distance of 85.79 feet to the Northwest corner; thence Easterly at an angle of 90 degrees 11 minutes 10 seconds measured from South to East, a distance of 100 feet to the Northeast corner; thence Southerly and parallel to the West line of said tract, a distance of 85.48 feet along the East side of the Henry B. Davis lands, to the projection of the centerline of a private road, thence Westerly along the projection of the centerline of a private road a distance of 100 feet to the Point of Beginning.

(NOTE: Surveyors affidavit should be obtained reciting the new legal description is the same with minor variations as Parcels 1 to 3)

EXHIBIT B
VICINITY SKETCH

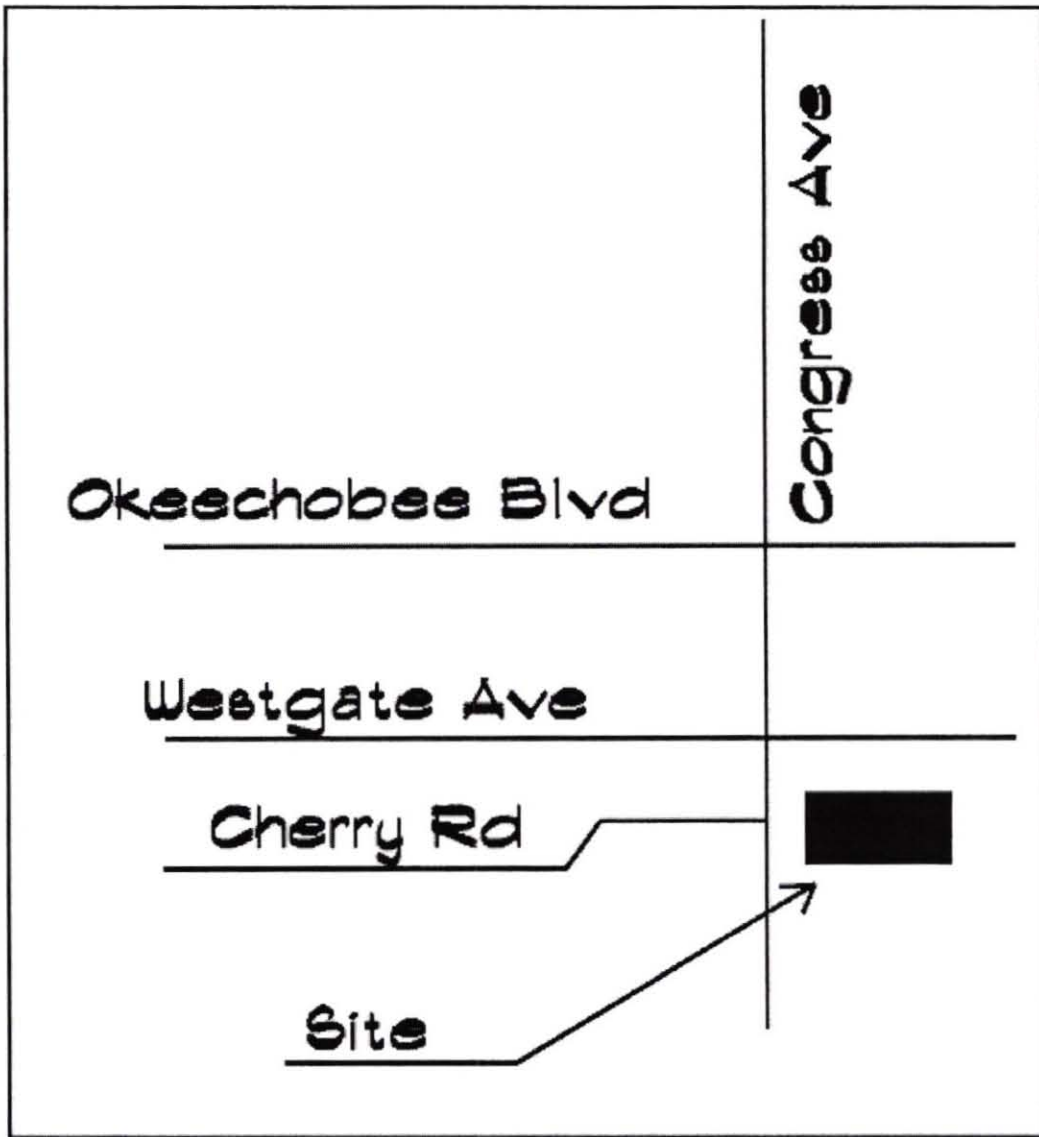


EXHIBIT C

CONDITIONS OF APPROVAL

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.