

RESOLUTION NO. R-2002- 0136

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 87-33A.7
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-91-247
WHICH APPROVED THE SPECIAL EXCEPTION OF
GATOR POND PROPERTIES II, INC.
PETITION NO. 87-33(A)

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.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 87-33A.7 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 31, 2002; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 87-33A.7 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

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

1. The special exception is not consistent with the Unified Land Development Code because it has not been reviewed for consistency with Section 6.6.E. "Architectural Guidelines" of the Unified Land Development Code.
2. With the new condition of approval requiring the project to be certified for compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, the special exception will be consistent with the Unified Land Development Code.
3. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Section 5.3 of the Palm Beach County 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 87-33A.7, to amend Conditions of Approval of Resolution No. R-91-247, the Special Exception of Gator Pond Properties II, Inc., Petition No. 87-33(A), which granted a Special Exception to amend the site plan for a commercial new and used automobile sales, rental, and repair facility to

Status Report SR 87-33A.7
Project Number 1000-633

increase the land area, increase building square footage, redesign the site, and include an auto service station, convenience store and car wash facility on a parcel of land known as Parcel A: Lots 13, 14 and 15, MEERDINK'S LITTLE RANCHES, as recorded in Plat Book 4, Page 50, less the East 15.00 feet of Lots 13, 14 and 15; The North 20.00 feet of Lot 13 and the external area formed by a 25.00 foot radius arc tangent to a line lying 20.00 feet South of, measured at right angles to, the North line of Lot 13 and tangent to a line lying 15.00 feet West of, measured at right angles to the East line of Lot 13, as recorded in Official Record Book 1655, Page 148; and, Parcel B: A parcel of land lying in and being in Section 30, Township 43 South, Range 43 East, said parcel being a portion of the 65.00 required right-of-way for E 3 ½-8 Canal according to the Lake Worth Drainage District Right-of-Way Map, Sheet 229 of 240, dated May 1969 and recorded in Official Record Book 1732, Page 612, said portion being West of and adjacent to Lot 13, less the North 20.00 feet thereof, recorded in Plat Book 4, Page 50, and being more particularly described as follows: Commencing at the Northeast corner of said Section 30, thence southerly on an assumed bearing of South, along the East line of said Section 30 a distance of 1290.68 feet to a point, said point being the easterly extension of the South line of the 80.00 foot road right-of-way of Westgate Avenue; thence West along the South right-of-way line of Westgate Avenue a distance of 254.20 feet to the Point of Beginning, said Point of Beginning also being on the West right-of-way line of said 65.00 foot Lake Worth Drainage District E 3 ½-8 Canal, and the East line of the Plat of Westgate Estates, recorded in Plat Book 15, Page 16, thence South 02 degrees 48'36" West along the West right-of-way line of said Lake Worth Drainage District E 3 ½-8 Canal a distance of 220.29 feet; thence East 65.08 feet to the East line of the required 65.00 feet Lake Worth Drainage District E 3 ½-8 Canal, thence North 02 degrees 48'36" East along the said East right-of-way line of E 3 ½-8 Canal a distance of 220.29 feet to the South right-of-way line of said Westgate Avenue; thence West along said right-of-way a distance of 65.08 feet to the Point of Beginning; and, Lot 16, 17, 18, 19, and 20, less the East 15.00 feet for road right-of-way, less the North 8.00 feet of Lot 20, less the South 8.00 feet and West 10.00 feet of Lot 19, MEERDINK'S LITTLE RANCHES, Plat Book 4, Page 50, being located on the southwest corner of Westgate Ave. and Congress Ave. in the General Commercial (CG) Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Prior to the issuance of a building permit, the property owner shall submit an application to the Development Review Committee for review and certification that the project is in compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, "Architectural Guidelines." (BLDG PERMIT: MONITORING - Zoning)

Commissioner Aaronson moved for approval of the Resolution

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

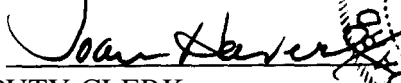
WARREN H. NEWELL, CHAIRMAN	—	Aye
CAROL A. ROBERTS, VICE CHAIR	—	Aye
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Aye
KAREN T. MARCUS	—	Aye
TONY MASILOTTI	—	Absent
MARY MCCARTY	—	Absent

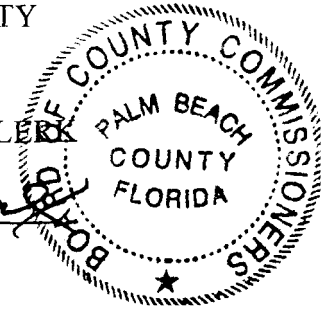
The Chair thereupon declared the resolution was duly passed and adopted this 31 day of January, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 12 day of February, 2002