

RESOLUTION NO. R-93- 1547

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 92-31/A
TO REZONE PROPERTY PREVIOUSLY REZONED BY
RESOLUTION NO. R-92-1838
APPROVING THE PETITION OF Sealubbers, Inc. II
PETITION NO. 92-31

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 Section 5.8 of the Palm Beach County Land Development Code have been satisfied: and

WHEREAS, pursuant to Section 5.8, Status Report CR 92-31/A was presented to the Board **of** County Commissioners of Palm Beach County **at** a public hearing conducted on December 6, 1993; and

WHEREAS, the Board of County Commissioners **has** reviewed Status Report CR 92-31/A 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 Land Development Code authorizes the Board of County Commissioners to rezone property: and

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

1. This proposal is consistent with the requirements **of** the Comprehensive Plan and Land Development Code.
2. Subsection 5.1.L. **of** the Land Development Code states "Unless otherwise specified in the development order, an approved use must comply with all conditions prior to implementing the approval."
3. A restaurant is currently in operation on the property.
4. A time extension previously approved by the Board **of** County Commissioners for conditions A1 and A2 of Resolution R-92-1838 has expired, and the property owner has failed to comply with the conditions.
5. The failure to make required improvements has permitted an illegal ingress/egress.
6. Palm Beach County has received complaints regarding the property owner's failure to make required improvements.

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. CR 92-31/A, to rezone the property to the CN-Neighborhood Commercial Zoning District, which was previously rezoned to a CG-General Commercial Zoning District by the approval **of** the petition **of** Sealubbers, Inc. II, Petition No. 92-31, confirmed by the adoption of Resolution R-92-1838, on a parcel **of** land in Section 19, Township 44 South, Range 43 East, being a part **of** Tracts 51 and 52 **of** the subdivision of said Section 19, according to the Plat thereof recorded in Plat Book 6, Page 66;

said parcel being more particularly described as follows: BEGINNING at the intersection of the East line of said Tract 51, with the Westerly extension of the South line of Scanlan Avenue, as shown on Plat of Englewood Manor, recorded in Plat Book 24, Page 52, public records of Palm Beach County, Florida; thence Southerly along the East line of said Tract 51, a distance of 112.80 feet; thence Westerly parallel to said Westerly extension, a distance of 35.00 feet to the Westerly right of way of Congress Avenue (SR 807), Road Plat Book 3, Pages 32 through 39 of the public records of Palm Beach County, Florida, and the POINT OF BEGINNING; thence continue Westerly along said parallel line 285.20 feet to the West line of said Tract 51, thence continue Westerly 42.14 feet to the Easterly right of way of Riedel Street as shown on the Plat of Lake Echo, recorded in Plat Book 21, Page 41 of the public records of Palm Beach County, Florida; thence North 0°50'00" East along said Easterly right of way 162.82 feet to the Westerly extension of the North line of Scanlan Avenue as shown on Englewood manor, as recorded in Plat Book 24, Page 52 of the public records of Palm Beach County, Florida; thence Easterly along said North line 40.28 feet to the West line of said Tract 51, thence continue Easterly along said North line 283.84 feet to the Westerly right of way of said Congress Avenue; thence South 0°18'00" East along said right of way 162.80 feet to the POINT OF BEGINNING, being located on the west side of Congress Avenue approximately one mile south of 10th Avenue North, is approved,

Commissioner Foster 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:

MARY MCCARTY, CHAIR	--	Aye
BURT AARONSON	--	Aye
KEN FOSTER	--	Aye
MAUDE FORD LEE	--	Aye
KAREN T. MARCUS	--	Aye
WARREN H. NEWELL	--	Absent
CAROL ROBERTS	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 6th day of December, 1993.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: *Pauline Allen*

DOROTHY H. WILKEN, CLERK

BY: *Jana M. Blair*

DEPUTY CLERK

