

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR **91-28.4**  
TO REVOKE THE SPECIAL EXCEPTION  
FOR PROPERTY PREVIOUSLY GRANTED A SPECIAL EXCEPTION BY  
RESOLUTION NO. **R-91-1477**  
APPROVING THE PETITION OF LANTEX REALTY CORPORATION  
PETITION NO. **91-28**

**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 SR **91-28.4** was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on December **4, 1997**; and

**WHEREAS**, the Board of County Commissioners has reviewed Status Report SR **91-28.4** and considered testimony, 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 revoke Special Exceptions; and

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

1. The project does not comply with the Countywide Traffic Performance Standards.
2. The revocation is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.
3. The property owner was notified in **1996** that only a one-year time extension was recommended at that time based on current traffic conditions.

**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 **91-28.4**, to revoke the Special Exception previously granted by the approval of the petition of Lantex Realty Corporation, Petition No. **91-28**, confirmed by the adoption of Resolution **R-91-1477**, which granted a Special Exception to allow a drive-in restaurant, on a parcel of land Being Lots **1166** through Lot **1174**, of KENWOOD, as recorded in Plat **Book 3**, Page **44** and **45**, LESS the Westerly 5.00 feet of said Lot **1174**, together with that portion of Tract **20** of MODEL LAND CO. SUBDIVISION of the North  $\frac{1}{2}$  of Section **24**, Township **44** South, Range **42** East, as in Plat Book **5**, Page **76**, all of the above being more fully described as follows: BEGIN at the Southeast corner of said Lot **1166**; thence North **89°16'00"** West along the Southerly lines of said Lots **1166** through **1174** (inclusive), said Southerly lines also being the Northerly road right-of-way line of Weymouth Street as shown on said Plat of KENWOOD for **220.00** feet; thence North **00°02'01"** West along a line parallel with and 5.00 feet East of the Westerly line of said Lot **1174** and the East line of the West **266.09** feet of said Lot **20** for **194.78** feet to a point on the Southerly road

right-of-way line of Tenth Avenue North; thence South 89°25'50" East along said road right-of-way line, said Southerly right-of-way line being 20.00 feet South of the Northerly line of said Tract 20 for 220.00 feet; thence South 00°01'34" East along the Northerly extension of the East line of said Lot 116 for 195.41 feet to the POINT OF BEGINNING, being located on the south side of 10th Avenue North, bound on the south by Weymouth Street, approximately 0.1 of a mile east of Military Trail, in the CG-General Commercial Zoning District, is approved.

Commissioner Newell 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:

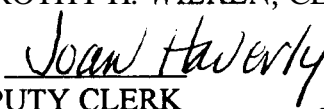
BURT AARONSON, CHAIRMAN	—	Aye
MAUDE <b>FORD</b> LEE, VICE CHAIR	—	Aye
KEN FOSTER	—	Aye
KAREN T. <b>MARCUS</b>	—	Aye
MARY MCCARTY	—	Aye
WARREN H. NEWELL	—	Aye
CAROL ROBERTS	—	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 4 day of -December \_\_\_\_\_, 1997.

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

