

RESOLUTION NO. R-2004-0513

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 80-211B.9  
TO REVOKE THE SPECIAL EXCEPTION APPROVED BY  
RESOLUTION NO. R-90-51  
PETITION NO. 1980-211(B)  
THE PETITION OF MILITARY TRAIL BAKERY CENTER

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 Article 2.E. of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 80-211B.9 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on March 25, 2004; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 80-211B.9 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. 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. Resolution No. R-90-51 was approved more than fourteen years ago.
2. Time extensions totaling twelve years have previously been approved.
3. Development has not commenced since the development order was approved.
4. The property owner has not documented any efforts to commence development.
5. The property owner has not documented any circumstances beyond the control of the property owner which has prevented the commencement of development.
6. Resolution No. R-93-177 amended conditions of approval.
7. The revocation of a special exception is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code

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 80-211B.9, to revoke the Special Exception previously granted by the approval of the petition of Military Trail Bakery Center, Petition No. 1980-211(B), confirmed by the adoption of Resolution No. R-90-51, which permitted a wholesale bakery; and to revoke the Development Order Amendment which amended conditions of approval as recommended by Status Report CR S80-211B, and confirmed by the adoption of Resolution No. R-93-177, for property legally described as beginning at an iron pipe in the center of Military Trail, S.R. #809, 1344.03 feet North of the South 1/4 of Section Corner of Section 25, Township 44 South, Range 42 East, Run Easterly along the center line of Melaleuca Lane for a distance of 40.00 feet to a point on the Easterly Right-Of-Way line of Military Trail, S.R. #809, Thence run Southerly along the Easterly Right-Of-Way line of Military Trail for a distance of 652.58 feet to a point marking the Northwest Corner and the Point of Beginning of the parcel described herein, thence continue Southerly along the said Easterly Right-Of-Way line of Military Trail for a distance of 192.00 feet to a point marking the Southwest corner of this parcel; thence run Easterly along a line parallel to the center line of Melaleuca Lane for a distance of 292.923 feet to a point in the East Boundary line of the West 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 25 which point marks the Southeast corner of this parcel; thence run Northerly along the said East boundary line of the West 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 25 for a distance of 192.00 feet to a point marking the Northeast corner of the parcel; thence run Westerly along a line parallel to the center line of Melaleuca Lane for a distance of 292.93 feet to the point of Beginning at the Northwest corner of this parcel Less and except the following parcel: Beginning at an iron pipe in the center of Military Trail, S.R. #809, 1344.03 feet North of the South 1/4 of Section Corner of said Section 25, run Easterly along the center line of Melaleuca Lane for a distance of 40.00 feet to a point on the Easterly Right-Of-Way Line of Military Trail, S.R. #809; thence run Southerly along the Easterly Right-Of-Way line of Military Trail for a distance of 652.58 feet to a point marking the Northwest Corner and the Point of Beginning of the parcel described herein, thence continue Southerly along the Easterly Right-Of-Way line of Military Trail for a distance of 192.00 feet to a point marking the Southwest corner of this parcel: thence run Easterly along a line parallel to the center line of Melaleuca Lane for a distance of 13.00 feet to a point; thence run Northerly parallel with said Easterly Right-Of-Way line, a distance of 192.00 feet to a point marking the Northeast corner of the parcel; thence run Westerly along a line parallel to the center line of Melaleuca Lane for a distance of 13.00 feet to the Point of Beginning at the Northwest corner of this parcel, being located on the east side of Military Trail

(S.R. #809) approximately 0.2 mile south of Melaleuca Lane, in the CG-General Commercial Zoning District, is approved.

Commissioner **McCarty** moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 25 day of March, 2004.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY



  
DOROTHY M. WILKEN, CLERK  
DEPUTY CLERK

Filed with the Clerk of the Board of County Commissioners on the 14 day of April, 2004.