

RESOLUTION NO. R-2007- 2143

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1996-026.7
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR PROPERTY PREVIOUSLY GRANTED A CONDITIONAL USE "A" BY
RESOLUTION NO. R-96-816
APPROVING THE PETITION OF ROGER DEAN
PETITION NO. 1996-026

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 Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 1996-026.7 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on November 29, 2007; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1996-026.7 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. authorizes the Board of County Commissioners to approve Development Oder Amendments; and

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

1. The certified site plan does not meet the requirements of the Westgate Community Redevelopment Agency.
2. The amendment of conditions of approval will require compliance with the requirements of the Westgate Community Redevelopment Agency.
3. With this amendment of conditions of approval and a previous amendment of conditions of approval, the Class A Conditional Use will be consistent with the Unified Land Development Code.
4. 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 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 1996-026.7, to approve a Development Order Amendment to amend conditions of approval, amending the development order previously granted by the approval of the petition of Roger Dean, Petition No. 1996-026, confirmed by the adoption of Resolution R-96-816, which approved a Class A Conditional Use (CA) to allow a fast food restaurant within the Westgate CRA Overlay District, on property legally described as A PARCEL OF LAND SITUATE IN SECTION

29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 29, THENCE N88°45'36"W, ALONG THE NORTH LINE OF SAID SECTION, A DISTANCE OF 689.26 FEET; THENCE S01°14'24"W A DISTANCE OF 35.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 704, SECTION 93280-2510, DATED 5/20/88 AND LAST REVISED 12/22/94, AND THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING, THENCE S89°45'36"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 87.01 FEET; THENCE S89°44'55"W A DISTANCE OF 63.01 FEET; THENCE, DEPARTING FROM SAID SOUTHERLY RIGHT-OF-WAY LINE, S01°14'24"W A DISTANCE OF 148.36 FEET TO A LINE 185.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 29; THENCE S88°45'36"E, ALONG SAID PARALLEL LINE, A DISTANCE OF 150.00 FEET; THENCE N01°14'24"E A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.52 ACRE, MORE OR LESS, being located on the south side of Okeechobee Boulevard, approximately 0.25 mile east of Congress Avenue, in the General Commercial Zoning District, is approved subject to the following conditions:

1. All previously approved conditions of approval continue to apply. (ONGOING)
2. Prior to the issuance of a building permit, a new site plan shall be certified to comply with all requirements of the Westgate Community Redevelopment Agency. (BLDG PERMIT: MONITORING - Zoning)

Commissioner Marcus 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:

ADDIE L. GREENE, CHAIRPERSON	Absent
JOHN F. KOONS, VICE CHAIR	Aye
KAREN T. MARCUS	Aye
ROBERT J. KANJIAN	Aye
MARY MCCARTY	Aye
BURT AARONSON	Aye
JESS R. SANTAMARIA	—

The Chair thereupon declared the resolution was duly passed and adopted this 29th day of November, 2007.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON R. BOCK, CLERK AND COMPTROLLER
BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 29th day of November, 2007.