

RESOLUTION NO. R-2008- 0685

RESOLUTION APPROVING ZONING APPLICATION PDD-2007-883
(CONTROL NO. 1983-161)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF NEW COUNTRY MOTOR CARS OF PALM BEACH LLC
BY GARY M. BRANDENBURG AND ASSOCIATES, AGENT
(MERACEDES MASERATI DEALERSHIP)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application PDD2007-883 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 2008; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan.
2. This official zoning map amendment (rezoning) is consistent with the stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations.
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land.
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
5. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern.
6. This official zoning map amendment is consistent with applicable Neighborhood Plans.
7. This official zoning map amendment (rezoning) complies with Article 2.F (Concurrency) of the Palm Beach County Unified Land Development Code.

8. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified 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 Zoning Application PDD-2007-00883, the application of New Country Motor Cars Of Palm Beach LLC, by Gary M. Brandenburg and Associates, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 24, 2008, subject to the conditions of approval described in EXHIBIT C of DOA2007-883, attached thereto and made a part thereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	-	Absent
Jeff Koons, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Robert J. Kanjian	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Jess R. Santamaria	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 24, 2008.

Filed with the Clerk of the Board of County Commissioners on 24 day of April, 2008.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST; BEING ALL OF TRACT A, MERCEDES BENZ OF PALM BEACH, M.U.P.D., AS RECORDED IN PLAT BOOK 105, PAGES 90 TO 91, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

A PARCEL OF LAND SITUATE IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST; BEING PORTIONS OF WEST GATE ESTATES, AS RECORDED IN PLAT BOOK 8, PAGE 38; THE AMENDED PLAT OF BLOCKS 1, 2, 3, 4, 5, 6 AND THE NORTHERN PART OF BLOCK A WEST GATE ESTATES, AS RECORDED IN PLAT BOOK 9, PAGE 20; AND SHARON'S REPLAT OF PORTIONS OF WEST GATE ESTATES, AS RECORDED IN PLAT BOOK 15, PAGE 64; ALL RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 30, A DISTANCE OF 15 FEET TO A POINT IN THE SOUTH RIGHT OF WAY LINE OF OKEECHOBEE (ROAD) BOULEVARD, AND THE POINT OF BEGINNING; THENCE EASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE WHICH IS 15 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 243.98 FEET TO A POINT; THENCE SOUTHERLY, AT RIGHT ANGLES, A DISTANCE OF 273 FEET TO A POINT IN THE SOUTH LINE OF TRACT "B", ACCORDING TO SHARON'S REPLAT OF PORTIONS OF WEST GATE ESTATES, AS RECORDED IN PLAT BOOK 15, PAGE 64, PALM BEACH COUNTY RECORDS; THENCE A DISTANCE OF 246.06 FEET, TO A POINT IN THE WEST LINE OF SECTION 30, THENCE A DISTANCE OF 273 FEET MORE OR LESS TO THE POINT OF BEGINNING.

AND

LOTS 33 THROUGH 39, BLOCK 7, ACCORDING TO THE PLAT OF "WEST GATE ESTATES", AS RECORDED IN PLAT BOOK 8, PAGE 38 IN AND FOR PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT

THE NORTHERLY 5.50 FEET THEREOF FOR ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 6633, PAGE 163, AND OFFICIAL RECORDS BOOK 7309, PAGE 1452, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE ABOVE-DESCRIBED NOW KNOWN AS:

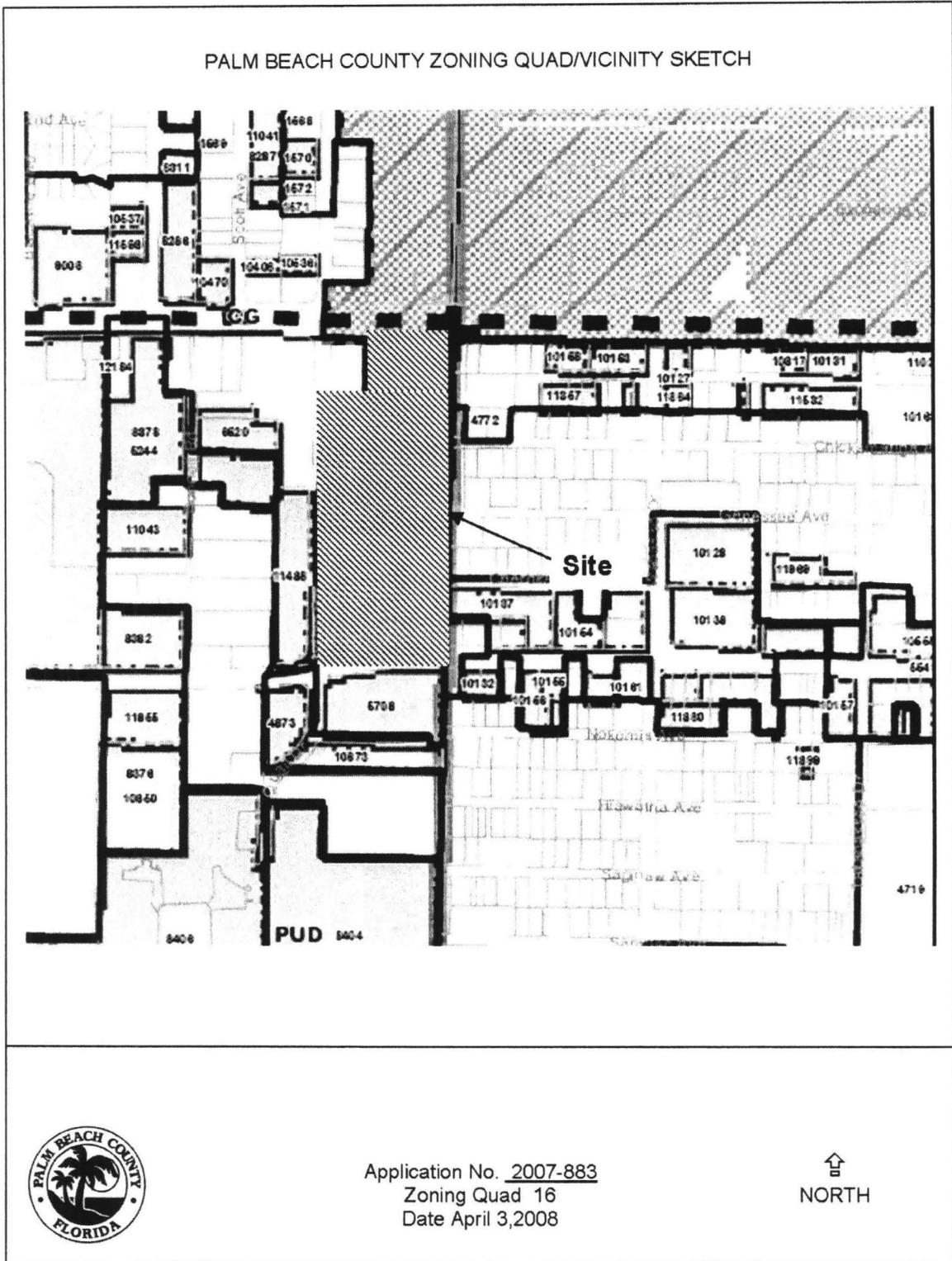
A PARCEL OF LAND SITUATE IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST; AND IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST; BEING ALL OF TRACT A, MERCEDES BENZ OF PALM BEACH, M.U.P.D., AS RECORDED IN PLAT BOOK 105, PAGES 90 TO 91; AND PORTIONS OF WEST GATE ESTATES, AS RECORDED IN PLAT BOOK 8, PAGE 38; THE AMENDED PLAT OF BLOCKS 1, 2, 3, 4, 5, 6 AND THE NORTHERN PART OF BLOCK A WEST GATE ESTATES, AS RECORDED IN PLAT BOOK 9, PAGE 20; AND SHARON'S REPLAT OF PORTIONS OF WEST GATE ESTATES, AS RECORDED IN PLAT BOOK 15, PAGE 64; ALL RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 43

SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF SAID SECTION 30, ON AN ASSUMED BEARING OF SOUTH 01°58'21" WEST A DISTANCE OF 20.50 FEET TO A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE (ROAD) BOULEVARD, AS SET BY ORDER OF TAKING FOR STATE ROAD 704, SECTION 93280-2507 IN OFFICIAL RECORDS BOOK 6633, PAGE 163, AND THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE WHICH IS 20.50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 30, SOUTH 88°28'19" EAST A DISTANCE OF 244.02 FEET TO A POINT; THENCE, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 01°31'41" WEST, A DISTANCE OF 267.50 FEET TO A POINT IN THE SOUTH LINE OF TRACT "B", SHARON'S REPLAT OF PORTIONS OF WEST GATE ESTATES, AS RECORDED IN PLAT BOOK 15, PAGE 64, PALM BEACH COUNTY RECORDS; THENCE ALONG SAID SOUTH LINE, NORTH 88°28'19" WEST A DISTANCE OF 14.99 FEET, THENCE, DEPARTING SAID SOUTH LINE, SOUTH 01°31'41" WEST, A DISTANCE OF 115.00 FEET TO A POINT ON THE SOUTH LINE OF BLOCK 7, THENCE, ALONG SAID SOUTH LINE, NORTH 88°28'19" WEST A DISTANCE OF 175.00 FEET TO A POINT; THENCE, DEPARTING SAID SOUTH LINE, NORTH 01°31'41" EAST A DISTANCE OF 115.00 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE ABOVEMENTIONED TRACT "B", ACCORDING TO SHARON'S REPLAT OF PORTIONS OF WEST GATE ESTATES; THENCE ALONG SAID WESTERLY EXTENSION, NORTH 88°28'19" WEST A DISTANCE OF 56.11 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 25, AND THE EAST LINE OF SAID MERCEDES BENZ OF PALM BEACH, M.U.P.D., PLAT BOOK 105, PAGES 90-91; THENCE, ALONG SAID EAST LINES, SOUTH 01°58'21" WEST, A DISTANCE OF 925.12 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WESTGATE AVENUE, AS SHOWN ON ROAD PLAT BOOK 2, PAGE 205 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THE FOLLOWING SEVEN (7) COURSES BEING ALONG THE PLATTED LIMITS OF TRACT A, MERCEDES BENZ OF PALM BEACH, M.U.P.D., AS RECORDED IN PLAT BOOK 195, PAGES 90 AND 91 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; (1) THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE, NORTH 88°28'20" WEST A DISTANCE OF 201.41 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 1186.28 FEET; (2) THENCE, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY, WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 11°19'03", A DISTANCE OF 234.32 FEET TO A POINT OF NON-TANGENCY; (3) THENCE, DEPARTING SAID NORTH RIGHT-OF-WAY, NORTH 48°55'04" WEST A DISTANCE OF 38.79 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF INDIAN ROAD, PER OFFICIAL RECORDS BOOK 19000, PAGE 1936; (4) THENCE, ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01°57'15" EAST A DISTANCE OF 942.57 FEET TO A POINT; (5) THENCE, DEPARTING SAID EAST RIGHT-OF-WAY LINE, SOUTH 88°57'24" EAST, A DISTANCE OF 127.23 FEET TO A POINT; (6) THENCE NORTH 01°57'48" EAST, A DISTANCE OF 240.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE (ROAD) BOULEVARD PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 704, SECTION 93280-2507, SHEET 7 OF 11; (7) THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 88°57'24" EAST, A DISTANCE OF 337.29 FEET; THENCE NORTH 01°58'21" EAST, A DISTANCE OF 4.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 607,991 SQUARE FEET, OR 13.96 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



Application No. 2007-883
Zoning Quad 16
Date April 3, 2008

