

RESOLUTION NO. R-2011- 0958

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. STR-1996-0026-1
TO REVOKE THE CLASS A CONDITIONAL USE FOR A FAST FOOD RESTAURANT
APPROVED BY RESOLUTION NO. R-1996-0816
CONTROL NO. 1996-026
APPLICATION NO. CA-1996-00026
THE PETITION OF ROGER DEAN

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 (ULDC) have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report No. STR-1996-0026-1 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on June 27, 2011; and

WHEREAS, the Board of County Commissioners has reviewed Status Report No. STR-1996-0026-1 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 the Conditional Use; and

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

1. Article 2.E. of the ULDC requires staff to determine if previously approved development orders have commenced development;
2. Development has not commenced for this approval; and
3. The revocation of a resolution to approve a Conditional Use is consistent with the Comprehensive Plan and with the ULDC.

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. STR-1996-0026-1, to revoke the Class A Conditional Use for a Fast Food Restaurant pursuant to Resolution R- 1996-0816, (Control Number 1996-026), on 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, ¼ mile east of Congress Avenue, in the Commercial General Zoning District, is approved.

The foregoing Resolution was offered by Commissioner Aaronson who moved its adoption. The motion was seconded by Commissioner Vana and, upon being put to a vote, the vote was as follows:

Commissioner Karen T. Marcus, Chair	<u>Aye</u>
Commissioner Shelley Vana, Vice Chair	<u>Aye</u>
Commissioner Paulette Burdick	<u>Aye</u>
Commissioner Steven L. Abrams	Absent
Commissioner Burt Aaronson	<u>Aye</u>
Commissioner Jess R. Santamaria	<u>Aye</u>
Commissioner Priscilla A. Taylor	Aye

The Chair thereupon declared the resolution duly passed and adopted on June 27, 2011.

Filed with the Clerk of the Board of County Commissioners on June 29th, 2011,

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

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

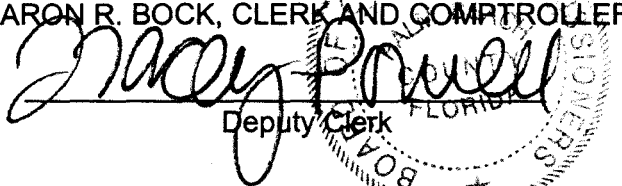
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By:


County Attorney

SHARON R. BOCK, CLERK AND COMPTROLLER

By:


Deputy Clerk

