

RESOLUTION NO. R-2011- 1456

RESOLUTION DENYING ZONING APPLICATION ZV/CA-2010-00974  
(CONTROL NO. 1977-00190)  
APPLICATION OF Race Trac Petroleum, Inc  
BY Gary M. Brandenburg and Associates, AGENT  
(Military Trail Commercial)

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, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application ZV/CA-2010-00974 was presented to the Board of County Commissioners at a public hearing conducted on September 26, 2011; and

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

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.

WHEREAS, Article 2 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 Military Trail Commercial, the Application of Race Trac Petroleum, Inc, by Gary M. Brandenburg and Associates, agent, for a Class A Conditional Use to allow a Convenience Store with Gas Sales in the General Commercial (CG) 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 denied on September 26, 2011, with/without prejudice.

Commissioner Burdick moved for approval of the Resolution.

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

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

The Chairman thereupon declared the resolution was duly passed and adopted on September 26, 2011.


Filed with the Clerk of the Board of County Commissioners on 28th day of September, 2011.

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

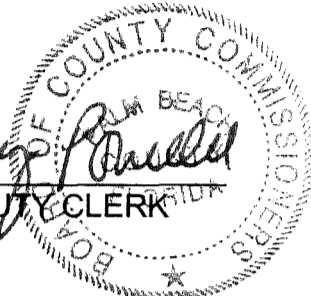


EXHIBIT A

LEGAL DESCRIPTION

**LEGAL DESCRIPTION:**

THE WEST 293.38 FEET OF THE EAST 333.38 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS, HOWEVER:

THE EAST 27 FEET THEREOF FOR ADDITIONAL RIGHT OF WAY FOR MILITARY TRAIL AS DEDICATED BY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 6021, AT PAGE 1258, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS:

THE SOUTH 60.00 FEET THEREOF FOR RIGHT OF WAY FOR LANDAR DRIVE AS SHOWN AND DEDICATED TO THE PUBLIC ON THE PLAT OF COUNTRYSIDE TOWNHOMES PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 36, PAGES 145 AND 146, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

FURTHER LESS:

THE NORTH 70.00 FEET THEREOF FOR RIGHT OF WAY FOR LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL 12.

AND LESS:

THE RIGHT OF WAY CHORD CLIPS CONVEYED TO PALM BEACH COUNTY BY DEED IN OFFICIAL RECORDS BOOK 22398, PAGE 1295.

EXHIBIT B  
VICINITY SKETCH

# Location Map

