

RESOLUTION NO. R-2017- 0506

RESOLUTION REVOKING RESOLUTION R-2000-0120, R-2006-1536, R-2008-2256,  
R-2009-2085 and R-2009-2086  
(CONTROL NUMBER 1999-00029)  
AFFIRMING THE LEGISLATIVE ABANDONMENT  
OF ZONING APPLICATION SV/PDD/R/ABN-2016-00424

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapters 125 and 163, Florida Statutes, is authorized and empowered to consider applications related to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Applications CA-1999-029 was presented to the Board of County Commissioners at a public hearing on January 27, 2000; SR-1999-0.29.2 presented to the Board of County Commissioners at a public hearing on August 23, 2006; SR-1999-029.3 was presented to the Board of County Commissioners at a public hearing on December 4, 2008; and, DOA/CA-2008-01358 was presented to the Board of County Commissioners at a public hearing on December 8, 2009;

WHEREAS, Resolutions R-2000-0120, R-2006-1536, R-2008-2256, R-2009-2085 and R-2009-2086 approving this Applications were adopted by the Board of County Commissioners on January 27, 2000, August 23, 2006, December 4, 2008, and December 8, 2009;

WHEREAS, the Zoning Director has determined the request to legislatively abandon the Development Order, as provided for in Article 2 (Development Review Procedures) of the ULDC, meets the requirements contained therein;

WHEREAS, the Zoning Director presented the abandonment of the Development Order to the Board of County Commissioners for ratification on April 27, 2017; and,

WHEREAS, Article 2.A.1.K (Public Hearing Procedures) of the ULDC requires that 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 Resolution R-2000-0120 approving Zoning Application CA-1999-029, the application of Monadylina Properties Inc., by Robert Basehart, Agent, for a Class A Conditional Use to allow a Convenience Store with Gas Sales; and that Resolution R-2006-1536, approving Zoning Application SR-1999-029.2, the application of Monadylina Properties Inc., for a Development Order Amendment to amend conditions of approval of Resolution R-2000-0120; and that Resolution R-2008-2256, approving Zoning Application SR-1999-029.3, the application of Monadylina Properties Inc., for a Development Order Amendment to amend conditions of approval of Resolution R-2000-0120; and that Resolution R-2009-2085 and R-2009-2086, approving Zoning Application DOA/CA-2008-01358, the application of BDG Delray LLC., by Jon E Schmidt & Associates, Agent, for a Class A Conditional Use to allow for the expansion of the previously approved Convenience Store with Gas Sales in the Agricultural Reserve (AGR) are hereby revoked.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	- Aye
Commissioner Melissa McKinlay, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on April 27, 2017.


Filed with the Clerk of the Board of County Commissioners on May 11th, 2017

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS  
SHARON R BOCK,  
CLERK & COMPTROLLER

BY:   
DEPUTY CLERK COUNTY  
FLORIDA




EXHIBIT A

LEGAL DESCRIPTION

PARCEL I:

Beginning at the intersection of the Westerly right-of-way line of State Road No. 7, as recorded in State Road Plat Book 1, Pages 35 to 41, inclusive, with the Northerly line of Tract 1, Block 67, THE PALM BEACH FARMS CO. PLAT NO. 3, a subdivision in Palm Beach County, Florida, recorded in Plat Book 2, Pages 45 to 54, inclusive, Palm Beach County Records, for a point of beginning, thence running Southerly along the Westerly right-of way line of State Road No. 7 for a distance of 420 feet; thence Westerly parallel to the North line of said Tract 1, a distance of 210 feet; thence Northerly parallel to the Westerly line of said right-of-way of said State Road No. 7, a distance of 420 feet; thence Easterly along the North line of Tract 1, in Block 67, a distance of 210 feet to the point of beginning.

Being a part of the premises described in Deed to Walter A. Mayton and Bettye H. Mayton, his wife from John D. Watson, et al. dated November 16, 1976, and recorded in Official Record Book 2606, at Page 1592 of the Public Records of Palm Beach County, Florida and now known as "Bulk Plant" U.S. 441 and West Atlantic Avenue, Delray Beach, Florida.

LESS AND EXCEPT the lands described in Order of Taking recorded in Official Record Book 10226, Page 121.

PARCEL II:

A parcel of land lying in Tract 1, Block 67, Palm Beach Farms Company Plat No. 3 according to the Plat as recorded in Plat Book 2, Pages 45 to 54, inclusive, Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the intersection of the North line of Tract 1 with the West right-of-way line of State Road No. 7; thence run Westerly along the North line of Tract 1, a distance of 210 feet to the Point of Beginning; thence run Southerly on a line parallel to the West right-of-way line of State Road No. 7, a distance of 420 feet; thence run Westerly, parallel to the North line of Tract 1, a distance of 477.8 feet to a point on the West line of Tract 1; thence run Northerly along the West line of Tract 1, a distance of 420 feet to the Northwest corner of Tract 1; thence run Easterly along the North line of Tract 1, a distance of 477.8 feet to the Point of Beginning.

Being a part of the premises described in a Deed to Florida Coast Oil Company, a Florida corporation from Ann Weskow, a single woman, dated July 21, 1978, and recorded in Official Record Book 2928, Page 1870 of the Public Records of Palm Beach County, Florida, and now known as an unimproved parcel located next to "Bulk Plant", U.S. 441 and West Atlantic Avenue, Delray Beach, Florida.

Containing 2.0680± hectares (5.1103± acres), more or less.