

RESOLUTION NO. R-98- 874

RESOLUTION APPROVING ZONING PETITION EAC78-261(E)
DEVELOPMENT ORDER AMENDMENT
PETITION OF LEON SAVAGE
BY FRANK PALEN, AGENT
(PALM BEACH PLAZA - FLAME LIQOUR)

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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC78-261(E) was presented to the Board of County Commissioners at a public hearing conducted on June 25, 1998; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

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8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition EAC78-261(E), the petition of Leon Savage, by Frank Palen, agent, for a Development Order Amendment /Expedited Application Consideration (EAC) to Modify Condition 8 of R-95-1006 (hours of operation) 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 25, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

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:

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Absent
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Absent
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on June 25, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

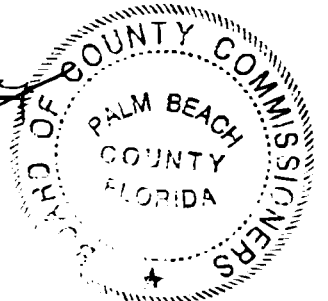
BY:

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COUNTY ATTORNEY

BY:


DEPUTY CLERK



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EXHIBIT A
LEGAL DESCRIPTION

NORTH BEACH PLAZA
LEGAL DESCRIPTION

Parcel "A"

The north 183.1 feet of the South 789.84 feet of the Southeast quarter of the Southwest quarter lying West of U.S. Highway No. 1, less the West 140 feet thereof, situate, lying and being in Section 33, Township 41 South, Range 43 East, Palm Beach County, Florida.

Parcel "B"

Part of the Southeast quarter of the Southwest quarter lying West of U.S. Highway No. 1, Section 33, Township 41 South, Range 43 East, Palm Beach County, Florida, described as follows:

Beginning at a point in the West line of the Southeast quarter of the Southwest quarter of Section 33, said point being 30 feet Northerly, measured at right angles, from the South line of said Section 33; thence Northerly along the West line of said Southeast quarter of the Southwest quarter of Section 33, a distance of 634.72 feet to a point in the South line of land heretofore conveyed to Jack I. Weissman and Minnie Weissman, his wife; thence Easterly, parallel to the South line of said Section 33, and along the South line of said Weissman's land, 669.00 feet, more or less to a point in the centerline of U.S. Highway No. 1; thence Southwesterly along the centerline of said U.S. Highway No. 1, a distance of 658.65 feet, more or less, to a point in said line parallel to and 30 feet North of the South line of said Section 33; thence Westerly along said parallel line 516.4 feet, more or less, to the Point of Beginning; excepting the West 30 feet thereof and subject to the Right-of-Way of U.S. Highway No. 1, as now laid out and in use.

ALSO LESS AND EXCEPTING from the above described property, property sold by James J. Reddy to Blondell Hospital House, Inc., described as follows:

The North 58 feet of the South 664.74 feet of the Southeast quarter of the Southwest quarter, lying West of U.S. Highway No. 1, Section 33, Township 42 South, Range 43 East, Palm Beach County, Florida, being the North 58 feet of property purchased by James J. Reddy from Suburban Palm Beach, Inc.

ALSO LESS that part of the Southeast quarter of the Southwest quarter lying West

of U.S. Highway No. 1, Section 33, Township 41 South, Range 43 East, Palm Beach County, Florida, described as follows:

Commencing at a point in the West line of the Southeast quarter of the Southwest quarter of Section 33, said point being 30 feet Northerly, measured at right angles, from the South line of said Section 33; thence Easterly, parallel with the South line of said Section 33, a distance of 213.53 feet to the Point of Beginning of the hereinafter described parcel; thence continue Easterly along said parallel line a distance of 259.59 feet to a point in the Westerly Right-of-Way line of U.S. Highway No. 1 (State Road No. 5); thence Northerly along said Westerly Right-of-Way Line a distance of 200.0 feet to a point; thence Westerly parallel to the South line of said Section 33, a distance of 259.59 feet to a point; thence Southerly, parallel to said Westerly Right-of-Way line of U.S. Highway No. 1, a distance of 200.0 feet to a Point of beginning.

Parcel "C"

The East 110 feet of the West 140 feet of the North 183 feet of the South 789.84 feet of the Southeast quarter of the Southwest quarter of Section 33, Township 41 South, Range 43 East, Palm Beach County, Florida.

Parcel "D"

Beginning at a point on the West line of the Southeast 1/4 of the Southwest 1/4 of Section 33, Township 41 South, Range 43 East, said point being 990.0 feet, measured along the West line of said Southeast 1/4 of the Southwest 1/4 of Said Section 33; thence Easterly, parallel to the South line of said Section 33; 747.0 feet more or less to the centerline of U.S. Highway No. 1, 207.7 feet more or less, to a point in a line parallel to and 200.0 feet measured at right angles, South of the first described course; thence Westerly along said parallel line, 699.0 feet more or less, to the West line of the Southeast 1/4 to the Southwest 1/4 of said Section 33; thence Northerly along the West line of the Southeast 1/4 of the Southwest 1/4 of said Section 33, 200.16 feet, more or less, to the Point of Beginning, EXCEPTING from the above described property the West 30.0 feet thereof.

less and except the following from Parcel "A", "B", "C" and "D":

A parcel of land in the Southwest 1/4 of Section 33, Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 33; thence North 90°00'00" East, along the South line of said Southwest 1/4 (the South line of said Southwest 1/4 is assumed to bear, North 90°00'00" East and all other bearings are relative thereto), a distance of 206.00 feet to a point; thence North 15°37'48" East a distance of 231.15 feet to the Point of Beginning of the hereinafter described parcel; thence North 25°30'00" East a distance of 199.57 feet to a point; thence North 90°00'00" East a distance of 224.07 feet to appoint in the West right-of-way line of U.S. Highway No. 1 as now laid out and in use; thence South 15°37'48" West, along said West right-of-way line, a distance of 187.04 feet to a point; thence South 90°00'00" West, departing from said West right-of-way line a distance of 259.59 feet to the Point of Beginning.

Subject to a utility easement, as recorded in Official Record Book 3119, Page 1489, Public Records of Palm Beach County, Florida. Also subject to rights-of-way and easements of record.

Containing in all 1.00 acre, more or less.

Petition EAC 78-261 (E)

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