

RESOLUTION NO. R-2004- 2258

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1990-004A
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-1998-0743
WHICH APPROVED THE SPECIAL EXCEPTION OF
ANDY HERNANDEZ
PETITION NO. 1990-004(A)

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.

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

WHEREAS, pursuant to Article 2.E, Status Report SR 1990-004A was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on October 28, 2004; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1990-004A and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E of the Palm Beach County Unified Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

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

1. Article 2.E. of the Unified Land Development Code (ULDC) requires staff to determine if previously approved development orders are consistent with the ULDC.
2. Article 15 of the ULDC requires development orders to comply with the Countywide Traffic Performance Standards (TPS).
3. The Countywide Traffic Performance Standards requires the submission of a new traffic study or a determination that the project is insignificant as to TPS for staff to be able to determine if Resolution R-98-743 meets current TPS.
4. A new traffic study has not been submitted to Palm Beach County, and a determination of insignificance has not been made.
5. Staff therefore cannot determine if the development order is consistent with the Traffic Performance Standards and with the Unified Land Development Code.

6. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.
7. The amendment of conditions of approval will ensure that no further development occurs prior to further approval from the Board of County Commissioners.
8. By revoking the concurrency reservation, the property owner will have to submit a new traffic study to obtain a new concurrency reservation prior to the approval of any additional development orders.
9. Condition number A.5. of Resolution No. R-98-743 which has received several time extensions required the completion of this project by April 1, 1999, and has not been satisfied.

WHEREAS, Section 5.3 of the Palm Beach County 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. SR 1990-004A, to amend Conditions of Approval of Resolution No. R-1998-0743, the Development Order Amendment of Andy Hernandez, Petition No. 1990-004(A), which reconfigured the site plan and modified conditions of approval of a Special Exception for an existing auto service station (no repairs); commercial truck rental facility in the Community Commercial zoning district, property being legally described as Commencing at the Northeast corner of Tract A, Block 3, according to the Plat of the Palm Beach Farms Company Plat No. 7, as recorded in Plat Book 5, Page 72: Thence Southerly, along the East line of said Tract A, Block 23, a distance of 35.00 feet thereof to a point on the South right-of-way line of Lake Worth West Road (SR 802), and the POINT OF BEGINNING. Thence continue Southerly, along the East side of said Tract A, Block 3, and the East line of Tract B of said Block 3, a distance of 150.00 feet to a point. Thence Westerly, parallel with the North line of said Tract A, Block 3, a distance of 145.00 feet to a point. Thence Northerly parallel with the East line of said Tracts A and B, Block 3, a distance of 150.00 feet to a point on the South right-of-way line of Lake Worth Road (SR 802). Thence Easterly along the said South right-of-way line a distance of 145.00 feet to a POINT OF BEGINNING

Subject to all other easements, restrictions, reservations and rights-of way of record.

Containing 21,750 square feet or 0.4993 acres more or less., being located approximately 500 feet west of Congress Avenue on the south side of Lake Worth Road is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number Q.2. of Resolution No. R-98-743 which currently states:

Use of the site shall be limited to 1,400 square feet of office use, 520 square feet of service bay area and 596.6 square foot of indoor storage use, totaling 2,516.6 square feet of building area. (DRC: ZONING)

Is hereby amended to state:

Use of the site shall be limited to a building area of 1,400 square feet of office.
(DRC: ZONING)

Commissioner Masilotti moved for approval of the Resolution.

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

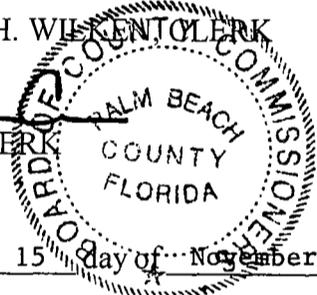
KAREN T. MARCUS, CHAIR	—	Aye
TONY MASILOTTI, VICE CHAIRMAN	—	Aye
JEFF KOONS	—	Aye
WARREN H. NEWELL	—	Aye
MARY MCCARTY	—	Aye
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 28 day of October, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKENTON CLERK
BY: 
DEPUTY CLERK


Filed with the Clerk of the Board of County Commissioners on the 15 day of November, 2004.