

RESOLUTION NO. R-2005- 1410

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 1983-120A.6  
TO REVOKE THE CONDITIONAL USE "A" AND  
DEVELOPMENT ORDER AMENDMENT APPROVED BY  
RESOLUTION NO. R-94-1308,  
PETITION NO. 1983-120(A)  
THE PETITION OF RICHARD MERCEDE

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 have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 1983-120A.6 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on July 28, 2005; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1983-120A.6 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 "A"; 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 require the submission of a new traffic study for staff to be able to determine if Resolution R-94-1308 meets current TPS.
4. A new traffic study has not been submitted to Palm Beach County.
5. Staff cannot determine if the development order is consistent with the Traffic Performance Standards because a new traffic study has not been submitted.
6. Staff therefore cannot determine if the development order is consistent with the Unified Land Development Code.
7. The revocation is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.
8. Time extensions totaling eight years have previously been approved.

9. The property owner has not paid five previous time extension fees totaling \$2,375.00.
10. The property owner has failed to clear code violations since a Notice of Violation was issued in March 2004.

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. SR 1983-120A.6, to revoke the Development Order Amendment which increased square footage, and to revoke the Class A Conditional Use which allowed an automotive paint and body shop and vehicle sales and rental, previously granted by the approval of the petition of Richard Mercede, Petition No. 1983-120(A), confirmed by the adoption of Resolution R-94-1308, on Lot 5, in H.I.D. Plaza, as recorded in Plat Book 46, Page 5 & 6, said land lying in the Northeast ½ of Section 36, Township 47, Range 41., being located on the west side of S. R. 7, approximately 0.1 of a mile north of the Broward County line, in the CG-General Commercial Zoning District, is approved.

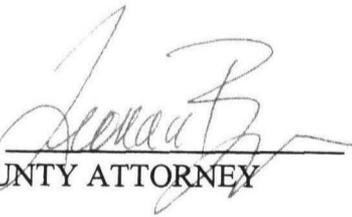
Commissioner **MARCUS** moved for approval of the Resolution.

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

TONY MASILOTTI, CHAIRMAN	—	<b>AYE</b>
ADDIE L. GREENE, VICE CHAIRPERSON	—	<b>AYE</b>
JEFF KOONS	—	<b>ABSENT</b>
WARREN H. NEWELL	—	<b>AYE</b>
MARY MCCARTY	—	<b>ABSENT</b>
BURT AARONSON	—	<b>ABSENT</b>
KAREN T. MARCUS	—	<b>AYE</b>

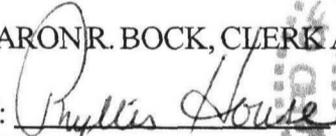
The Chair thereupon declared the resolution was duly passed and adopted this 28TH day of JULY, 2005.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK, CLERK AND COMPTROLLER

BY:   
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 24TH day of AUGUST, 2005.