

RESOLUTION NO. R-2000- 1227

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 85-9 1A.7
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR PROPERTY PREVIOUSLY GRANTED A SPECIAL EXCEPTION BY
RESOLUTION NO. R-89-1438
APPROVING THE PETITION OF OKEECHOBEE MOTEL JOINT VENTURE
PETITION NO. 85-9 I(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; and

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 85-91A.7 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 24, 2000; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 85-91A.7 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to revoke Special Exceptions; and

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

1. Approval of the development order amendment is consistent with the Palm Beach County Comprehensive Plan, and with the Unified Land Development Code.
2. The project does not meet the Countywide Traffic Performance Standards.
3. The amendment of conditions of approval will cause the project to more nearly meet the Countywide Traffic Performance Standards.
4. Prior to the approval of the last time extension for commencement of development in 1999, the property owner was notified that there was a potential traffic issue that could occur during the next year,
5. The property owner has had ten years since Resolution R-89- 1438 was approved in which to commence development.
6. Development has not commenced on the additional square footage approved by Resolution R-89-1438.
7. The property owner has not documented the expenditure of money for any customary predevelopment activities.

8. The deletion of additional square footage eliminates the need for conditions 5, 6, and 7 of Resolution R-89- 1438.

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 85-91A.7, to approve a Development Order Amendment to delete the additional square footage approved by the adoption of Resolution R-89-1438, on the North 575.00 feet of the South 656.00 feet of the East 3 12.59 feet of the West 404.59 feet of Section 23, Township 43, South, Range 42 East; less the North 170.00 feet of the West 190.00 feet of the above described land, and less a parcel of land lying within the Southwest 1/4 of said Section 23, being more particularly described as follows: Commence at the Southwest corner of said Section 23; thence South 88 degrees 40'36" East along the South line of said Section 23, a distance of 92.00 feet; thence North 01 degree 27'3 1" East, a distance of 330.10 feet to the Point of Beginning; thence continue North 01 degree 27'31" East, a distance of 155.90 feet; thence South 88 degrees 40'36" East, a distance of 113.24 feet; thence South 01 degrees 30'08" West, a distance of 155.3 1 feet; thence North 88 degrees 58'23" West, a distance of 113.12 feet to the Point of Beginning, being located on the north side of Okeechobee Boulevard (S.R. #704), approximately 220 feet west of West Drive, in the CG-General Commercial Zoning District, is approved subject to the following conditions of approval:

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Condition number 5 of Resolution R-89-1438 which states:

The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain **onsite** the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

Is hereby deleted. (ONGOING: ENG)

3. Condition number 6 of Resolution R-89- 1438 which states:

The petitioner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this proposed 12 additional rooms is \$4,501 .00 (168 additional trips X \$26.79 per trip).

Is hereby deleted. (ONGOING: BLDG)

4. Condition number 7 of Resolution R-89-1438 which states:

In addition the Developer shall contribute the amount of \$450.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance

Standards Code. These total funds of \$450.00 shall be paid prior to the issuance of the first Building Permit or prior to whichever shall first occur.

Is hereby deleted. (ONGOING: Bldg)

Commissioner ~~Roberts~~ moved for approval of the Resolution.

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

MAUDE FORD LEE, CHAIR	—	Aye
WARREN H. NEWELL, VICE CHAIR	—	Aye
BURT AARONSON	—	Aye
KAREN T. MARCUS	—	Aye
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Aye
CAROL ROBERTS	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 24 day of August, 2000.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: [Signature]
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: [Signature]
DEPUTY CLERK

